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Bellamy

CONTESTED ELECTION CASE

OF

OLIVER H. DOCKERY vs. JOHN D. BELLAMY,

FROM THE

SIXTH CONGRESSIONAL DISTRICT OF THE
STATE OF NORTH CAROLINA.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1899.

CONTESTED ELECTION CASE

OF

OLIVER H. DOCKERY vs. JOHN D. BELLAMY,

FROM THE

SIXTH CONGRESSIONAL DISTRICT OF NORTH CAROLINA.

NOTICE OF CONTEST.

HON. JOHN D. BELLAMY, *Wilmington, N. C.*

SIR: This is to notify you that as the nominee of the Republican and Populist parties opposing you in the recent election I shall contest the validity of your election to the Fifty-sixth Congress of the United States from the Sixth Congressional district of the State of North Carolina, composed of the counties of Anson, Brunswick, Columbus, Mecklenburg, New Hanover, Pender, Robeson, Richmond, and Union, upon the ground hereinafter set forth.

I do not claim that I was elected to said seat in said Congress by the ballots actually cast for me and those tendered for me and unlawfully rejected by the officers of the election, but I allege that you are not elected and that you are not entitled to said seat in Congress, in that the conditions existing in said district prior to, at the time of, and subsequent to the so-called election—conditions brought into existence and maintained by partisan supporters of yourself—were such as violated, ignored, and outraged the constitutional rights of the electors of said district to such an extent as to render said election a farce, a mockery, and a fraud.

That for months before the election and continually after said election it was openly and unblushingly asserted by your partisan press, your speakers, and your partisan supporters, many of whom belonged to that organization known as the "Red Shirts" and the "White Government Union" organizations, which are a threat to constitutional liberty and free government, that they intended to carry said election at all hazards and by whatever means became necessary for the accomplishment of their purpose.

That in pursuance of this plan they armed themselves with pistols, rifles, and other deadly weapons and interrupted and dispersed political gatherings and whipped and even killed citizens who dared to stand upon their rights, and by such methods kept away from the polls a large number of electors and thus deprived me of thousands of votes and prevented my election. That in the various precincts in the county of Anson there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts in the county of Brunswick there was such irregularity, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts of the county of Columbus there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts of the county of Mecklenburg there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts in the county of New Hanover there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts in the county of Pender there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts in the county of Robeson there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts of the county of Richmond there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts of the county of Union there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the return from said county.

O. H. DOCKERY.

Served December 31, 1898.

ANSWER TO NOTICE OF CONTEST.

Hon. O. H. DOCKERY.

SIR: In reply to a notice served on me on the 31st ultimo, stating that you shall contest the validity of my election to the Fifty-sixth Congress from the Sixth Congressional district of North Carolina, without waiving the objection that the allegations contained in your notice are so lacking in specific and detailed statement as not to demand answer on the part of this respondent, in reply thereto this respondent alleges:

1. That as you state in said notice that you do not claim to have been elected, therefore this respondent alleges that you have no right to contest his election under the law.

2. That at said election the respondent was fairly and honestly elected; that he received an actual majority in said district of 5,853 votes; that the returns of said election were duly canvassed, as by law required, by the various precinct and county officers and the result duly certified to the secretary of state, who duly canvassed the same and declared the result and duly certified the election of this respondent to the governor, as required by law, who issued his commission to this respondent.

3. That respondent denies that "the conditions existing in said district prior to, at the time of, and subsequent to said election (although respondent fails to see how subsequent conditions can affect this controversy) were such as violated, ignored, or outraged the constitutional rights of the electors of said district to such an extent as to render said election a farce, a mockery, and a fraud," or to any extent whatever; and respondent denies that any partisan or other supporters of respondent in said election brought about any conditions that prevented a full and fair election in said district. And respondent further denies all and every other allegation set out in said notice, and he especially denies that the "White Government Union" and "Red Shirts" were organizations which were or are a "threat to constitutional liberty or free government," or that they "whipped or killed citizens who dared to stand upon their rights;" that respondent denies that the said Dockery was deprived of thousands of votes or of the votes of any of the electors in said district who desired to vote for him, or that his election was prevented as alleged by him.

4. That respondent denies that there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of himself in the various precincts of Anson County as to avoid and set aside the returns from said county; but he avers that there was no irregularity, fraud, violence, or intimidation in the county of Anson at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

5. That respondent denies there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of himself in the various precincts of Columbus County as to avoid and set aside the returns from said county; but he avers there was no irregularity, fraud, violence, or intimidation in the county of Columbus at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

6. That respondent denies there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of himself in the various precincts of Mecklenburg County as to avoid and set aside the returns from said county; but avers that there was no irregularity, fraud, violence, or intimidation in the county of Mecklenburg at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

7. That respondent denies that there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of himself in the various precincts of Brunswick County as to avoid and set aside the returns; but he avers that there was no irregularity, fraud, violence, or intimidation in the county of Brunswick at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

8. That respondent denies there was such irregularity, fraud, violence, and intimidation on the part of partisan supporters of himself in the various precincts of New

Hanover County as to avoid and set aside the returns from said county; but he avers that there was no irregularity, fraud, violence, or intimidation in the county of New Hanover at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

9. That respondent denies that there was such irregularity, fraud, violence, and intimidation on the part of partisan supporters of himself in Pender County as to avoid and set aside the returns from said county; but he avers there was no irregularity, fraud, violence, or intimidation in the county of Pender at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

10. That respondent denies that there was such irregularity, fraud, violence, and intimidation on the part of partisan supporters of himself in the various precincts of Robeson County as to avoid and set aside the returns from said county; but he avers that there was no irregularity, fraud, violence, or intimidation in the county of Robeson at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

11. That respondent denies that there was such irregularity, fraud, violence, and intimidation on the part of partisan supporters of himself in the various precincts of Union County as to avoid and set aside the returns from said county; but he avers that there was no irregularity, fraud, violence, or intimidation in the county of Union, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

12. That respondent denies that there was such irregularity, fraud, violence, or intimidation on the part of partisan supporters of himself in the various precincts of Richmond County as to avoid and set aside the returns from said county; but he avers that there was no irregularity, fraud, violence, or intimidation in the county of Richmond at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

13. That there was no such organization known as the "Red Shirts" in any county; but that certain individuals, constituting a small number, in 3 precincts out of nearly 200 precincts were a uniform consisting of a red shirt, but it had no illegal object or purpose, but was simply a uniform for a legal political club.

That the Sixth Congressional district of North Carolina is composed of nine counties and extends over an area over 250 miles in length and an average of about 35 miles in width.

That so remote are the sections from one another that what occurs in one section is hardly known in another, and it is next to impossible for any political acrimony, if any existed, to be felt or to have an influence beyond the particular neighborhood in which it existed.

Respondent rests the validity of his election:

First. Upon the ground that the election was fairly and honestly conducted, the whole machinery of which was under the control, management, and supervision of officers of election appointed by law, four out of six of said officers in each precinct being partisan supporters of yourself as respondent's opponent, and that respondent received a majority of the votes by 5,853.

Second. That if there were local disturbances and it affected any votes whatever, it was confined to a few precincts and could not and did not affect the general result.

Third. That the vote was the largest ever cast in this district in the history of the State, and being what is termed an off year, is conclusive proof that the will of the electors was freely registered and declared, and that, too, of no uncertain result in respondent's favor, by a majority of 5,853.

JNO. D. BELLAMY.

Served January 21, 1899.

TESTIMONY FOR CONTESTANT.

WILMINGTON, N. C., February 16, 1899.

MR. THOS. E. WALLACE, *Notary Public, City.*

DEAR SIR: I hereby make application to you, as notary public, to issue subpoenas from time to time, to appear before you at such time as you will name in subpoenas, to certain persons to give testimony and file depositions before you, in your official capacity, to use in the case of O. H. Dockery, contestant, against John D. Bellamy, contestee; the contest over the seat in the Fifty-sixth Congress of said contestee.

Would be glad to know if circumstances will permit you to give us your official services in such matter and work as we may demand of you from time to time. Please give me an answer hereto at your earliest possible convenience.

Very respectfully,

OSCAR J. SPEARS,
Attorney for Oliver H. Dockery, Contestant.

Oliver H. Dockery, contestant, v. John D. Bellamy, contestee. Congressional contest, Fifty-sixth Congress, Sixth district of North Carolina.

I, Elizabeth Struthers, do solemnly swear to faithfully, honestly, well, and correctly perform my duty as clerk and amanuensis to Mr. T. E. Wallace, notary public, in taking the testimony in above-entitled case, to the best of my ability, so help me God.

ELIZABETH STRUTHERS.

Sworn to and subscribed before me this the 27th day of February, A. D. 1899.

[SEAL.]

T. E. WALLACE, *Notary Public.*

Notice to take depositions.

Oliver H. Dockery, contestant, vs. John D. Bellamy, contestee, Congressional contest, Fifty-sixth Congress, Sixth district of North Carolina.

JOHN D. BELLAMY, *Contestee, Wilmington, N. C.*

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause in the Federal court room in the United States post-office building, Wilmington, N. C., before T. E. Wallace, notary public, beginning at 9 o'clock a. m. on Saturday, the 25th day of February, 1899, and continuing from day to day, if necessary.

I will examine the following witnesses, namely: Jas. G. Blain, Ninth, between Dawson and Wright; J. S. W. Eagles, near McRae and Brunswick; Jack Moore, Tenth, between Market and Dock; Lewis Guyer, Castle street, between First and Second; Jos. Anderson, Eighth and Campbell streets; Willis Richardson, corner Seventh and Taylor streets; B. A. Moore, Eighth and Swan streets; J. C. Williams, McRae and Hanover streets; Jno. G. Norwood, Walnut and Second streets; C. W. Norwood, Tenth street, between Castle and Queen; Jno. Whitehead, Tenth street, between Campbell and Red; Jos. Scarboro, Ninth street, between Dawson and Wright; David Bryant, Church, between Seventh and Eighth streets; Jos. McFarland, Ninth, between Queen and Wooster streets; Robt. Simmons, Fifth, between Dawson and Wright streets; Fred Guyer, Fourth, between Dawson and Wright; J. J. Guyer, Seventh and Church streets; Alex. Rhone, Church, between Seventh and Eighth streets; Calvin Bell, Cowan stable; Jno. D. Franklin, Dock, between First and Water streets; Geo. Littleton, Sixth, near Walnut street; E. M. Green, Eighth, between Castle and Queen; J. A. Sharpe, Tenth, between Market and Dock streets; Watson McNeill, Walnut, between Second and Third streets; J. W. Murchison, Wm. Perdue, Marcus W. Jacobi, Jos. Jacobi, Owen F. Love, F. W. Kerchner, Wm. E. Springer, J. C. Springer, C. D. Foard, Front street.

OLIVER H. DOCKERY,
Per OSCAR J. SPEARS.

FEBRUARY 18, 1899.

Pursuant to the provisions of sections 110 and 118 of the Revised Statutes of the United States of America, which sections are a part of the chapter of said statutes regulating the proceedings in the contested-election case, and more particularly described as Chapter VIII of said statutes, the undersigned notaries public did proceed on Saturday, the 25th day of February, 1899, to examine certain witnesses named in a certain notice which is filed with them and made a part of the record of our acts under said section above referred to.

Notary Public T. E. Wallace convened the court or hearing at 9 o'clock a. m. for the taking of testimony in the above-entitled case, having appointed Miss Elizabeth Struthers as the official typewriter for taking said testimony. At the request of counsel for contestant an adjournment was had until 3 o'clock p. m. of said 25th of February, when upon reassembling to resume the hearing and before any testimony was taken in the above case, Notary George H. Howell was, on motion of George L. Peschau, esq., of counsel for contestee, associated with Notary Wallace, the presiding notary.

After conference of counsel for contestant and contestee and upon the request of counsel for contestant, the hearing or session was adjourned by order of the court until 9.30 o'clock a. m. Monday, February 27, 1899.

FEBRUARY 27, 1899.

Upon reassembling of the court pursuant to adjournment, counsel were asked if they were ready to proceed, upon which both sides announced their readiness. The contestant was represented by Oscar J. Spears, esq., and the contestee was represented by Junius Davis, Frank McNeill, Thomas W. Strange, George L. Peschau, and W. B. McKoy, esq.

JOS. JACOBI, being duly sworn, deposes and says:

Direct examination:

Q. What is your name, age, place of residence, and business?—A. J. N. Jacobi; 28 years old; residence is Wilmington; the hardware business. Name of firm: N. Jacobi Hardware Company.

Q. How long have you been engaged in this business under the firm name given?—A. I have been, all told, with the concern, I think, thirteen years.

Q. How many employees in your firm?—A. Nine.

Q. How many during the months of October and November, 1898?—A. Best of my knowledge, same number, sir.

Q. How many Republicans employed by you during October and November, 1898?—A. I don't know; never ask a man his politics; never ask a man his politics or religion when employing him.

Q. Whom did you support previous to the election occurring on November 8, 1898, of the two candidates for Congress in this Sixth district, Dockery or Bellamy?—A. I voted for Bellamy.

Q. Whom did you support during the campaign; which of the two candidates spoken of?—A. I used my influence for John D. Bellamy.

Q. Mr. Jacobi, do you know whether there were colored Republicans in the employ of your company or firm during the month of October, 1898? If so, state how many and their names.—A. We had in our employ three negroes. I presume they were Republicans. Names, Richard Joslin, one; he was minor, was not of age; John, another one, don't remember; third negro's name, Stephen Bowen.

Q. Mr. Jacobi, do you know whether those men were advised by yourself or any member of your firm, if they registered to vote in the election of November, 1898, that their services would be no longer needed in your company?

(The above question has been objected to on the ground that the witness should be confined solely that within his own knowledge. Objection withdrawn.)

A. Yes; they were told that they would not be reemployed at the end of their term if they so registered; that the condition of affairs under the Republican rule were such that it was becoming unbearable, and we could not possibly think of employing people who voted against us and every one of our interests.

Q. Mr. Jacobi, your business is that of hardware?—A. Yes, sir; general hardware and other lines included; paints, sash, doors, etc.

Q. You sell firearms?—A. We sell firearms.

Q. Are you prepared to state definitely the number of rifles, pistols, and shotguns sold by your firm at retail during the month of October, 1898, and the first week of the month of November, 1898?—A. I am not, sir.

Q. Can you approximate the number of sales of such weapons made during the term mentioned?—A. I can not, sir.

Q. Are you prepared to say whether they were in excess of usual sales made of such goods for like periods?—A. Yes, I am.

Q. Were they in excess?—A. They were.

Q. Were they greatly in excess?—A. Would state that the sales of weapons during

election years have always been larger with us than during any other years, and this year, and the time mentioned (during the months of October and November), were no exception, and we sold quite a number of firearms.

Q. Mr. Jacobi, were the sales for the time mentioned far in excess of those in previous election years or not?—A. I suppose they were.

Q. Do you know whether they were or not?—A. As to positive matter of facts and figures, I could not state positively. It is my supposition that they were.

Q. To whom were those sales generally made, Democrats or Republicans?—A. They were made to white people.

Q. What is the population of Wilmington?—A. It is variously estimated from 25,000 to 30,000, I think, sir.

Q. About how many white Republicans were there in the city at that time?—A. I do not know.

Q. Were there few or many?—A. Always been my impression very few here, sir, heretofore, but I was surprised more here than I had any idea of. Good many people whom I—

Q. Mr. Jacobi, do you know of a single instance in which your company made sale of a firearm to a white Republican?—A. During that time I do not.

Q. Mr. Jacobi, were you present at any speeches made in this city by Democratic speakers in which the statement was made that the Democratic party, or the white people, would carry the election if it required the Cape Fear River were filled with the carcasses of or bodies of dead negroes?

(Contestee objects to this question on the grounds that it is leading and, further-wise, incompetent.)

A. I was present.

Q. When and where and by whom was this statement made?—A. During the campaign and previous to the election, at the Opera House in this city, by Col. A. M. Waddell.

Q. Was the meeting largely attended?—A. Yes.

Q. Was the audience composed most largely of ladies or gentlemen?—A. Gentlemen.

Q. Was it composed most largely of white or colored people?—A. Whites.

Q. Were there any colored people present that you remember?—A. Did not see any; generally upstairs in third gallery, and if there were any there I was not in position in Opera House where I could see.

Q. What expression of the audience given—that of approbation or disapprobation?—A. Why, of course, approbation. A white man's meeting to hear a white man speaking—would not suppose that they would disapprove.

Q. Mr. Jacobi, was not the approbation given this statement made by Colonel Waddell unanimously applauded by the audience?

(Objected to on the grounds that it is leading and incompetent, because impossible to answer.)

A. There was applause.

Q. Great or small applause?—A. Considerable applause, I should imagine. It was toward the end of speech, and usually at the end campaign speeches generally applauded pretty well toward the close.

Q. Mr. Jacobi, did not this statement of Colonel Waddell receive great responsive applause by the audience?

(Objected to on the ground that it is leading.)

A. I answered that question before.

J. N. JACOBI.

Sworn to and subscribed to before me this the 27th day of February, A. D. 1899.

[SEAL.]

T. E. WALLACE, *Notary Public.*

[SEAL.]

GEO. H. HOWELL, *Notary Public.*

CHAS. D. FOARD, being duly sworn, deposes and says:

Direct examination:

Q. What is your name, place of business, and character of business?—A. Chas. D. Foard; business, general hardware—hardware; Wilmington, N. C.

Q. What is the name of your house?—A. C. D. Foard, hardware.

Q. How long been engaged in business in this city in the name of C. D. Foard, hardware business?—A. Two years next month.

Q. Have you been engaged in business of selling firearms?—A. I have.

Q. What kind of firearms have you sold within the last six months?—A. Kind I have always sold—guns, pistols, and full line of cartridges and general line.

Q. What kind, if any, of repeating firearms have you sold during the month of October and first week of November, 1898?—A. I have sold breech-loading shotguns, pistols, muzzle-loader shotguns, and I have sold some rifles.

Q. How did your sales of firearms made during the month of October and first ten days of the month of November, 1898, compare with previous sales of a like

period?—A. Well, I sold more, for the fact that my business had increased within the year, and as I had had experience as a clerk for ten years before I went into business for myself I always found that we sold more firearms during the year of an election than any other period.

Q. But did you not have unprecedented sales during the period mentioned?—A. I don't know that I did. I did not keep account of what I sold; I never take any account of what I sell.

Q. Was the demand for repeating rifles so great that you felt difficulty and trouble in supplying the demand?—A. I would like to say there that I found difficulty in securing what guns I wanted for my business in the latter part of November. I had no difficulty in supplying the demand during the month of October.

Q. About how many guns did you sell (including pistols) during the period mentioned, October and first ten days of November, 1898?—A. I really could not say, as I did not keep account of how many I sold, guns or pistols; never do.

Q. About how much in excess were your sales during the month of October and November, 1898, during the like period of other years?—A. Well, for myself, I guess that my business had increased, but could not tell how much over the year.

Q. Mr. Foard, is it not a fact within your knowledge that the demand for firearms in the city of Wilmington and adjoining country was unprecedented during October and the early part of the month of November of the year 1898?—A. I can't answer whether it was unprecedented or not of previous year to that.

Q. Did you have any repeating rifles that were in good order in your stock for sale after the 10th day of November, 1898, and before the 12th of November, 1898?—A. I had after the 10th of November, 1898, but none previous to that; some I had ordered came in afterwards.

Q. Now, Mr. Foard, to make it plain to you I ask this question, Was your stock of firearms exhausted at any time between November 1 and the night of November 10, 1898?—A. I had some firearms; don't know how many.

Q. Was any particular class of firearms exhausted by sales made by you between November 1 and November 10, 1898?—A. Rifles and pistols were exhausted, few pistols left; I don't know how many; in fact, were ordering different times.

Q. Estimate as near as possible the number of rifles and pistols sold by your house during the month of October and the first ten days of the month of November, 1898. —A. I can't not call exactly; I suppose, with guns and pistols, within the specified time maybe 25 or 30.

Q. Mr. Foard, had you any colored employees or Republicans during the month of October?—A. I had two colored employees. I don't know whether they were Republican or not. I suppose they were Republicans.

Q. Did you or any for you, with your knowledge, inform such colored person or persons, supposed by you to be Republicans, that if he or they registered under the law required to qualify them to vote in the election that was to occur on November 8, 1898, that your house would have no further use for their services?—A. I did not.

Q. Do you know of any plan or expressed purpose made upon the part of the White Union of this city, or any ward or precinct of this city, whereby influences of this or like character were to be used for the purpose of preventing the registration of supposed Republican voters of this city?—A. I do not, as I have never attended one of their meetings.

Q. Were you present on the occasion of Col. A. M. Waddell addressed an audience composed of white people, in the city of Wilmington, mainly in which he stated substantially that the white people representing the Democracy would carry the election if it required the Cape Fear River should be filled up with the bodies or carcasses of dead negroes?—A. I was not present.

Q. Who was the recognized leader of the Democracy of this city during the campaign and election following November 8, 1898?—A. I can say who I think. I don't know. On one occasion Colonel Waddell was.

Q. On the 9th who presided over a meeting held in the city hall in the city of Wilmington on the 9th day of November, 1898, by the white people, or portion of them, in the city of Wilmington?

(Counsel for contestee object to the question and any answer thereto, and do upon the ground that anything that happened after the day of election except evidence going to show that the ballots were tampered with after election or returns were not properly made is totally irrelevant to the question in this contest and can not be taken in evidence before the commissioners. That the evidence must be confined to matters and facts happening prior to the day of election and during the day of election.)

(Contestant insists upon the questions being answered, upon the ground that the notice of contestant upon contestee shows or declares reliance for his cause upon conditions existing previous to, at, and immediately after the election that occurred on November 8, 1898, therefore insists upon his rights provided especially to him by Revised Statutes of the United States, section 131.)

A. I do not know; was not there.

Q. Were you present and did you witness the riot that occurred in the city of Wilmington on the 10th day of November?—A. I was not present.

CHAS. D. FOARD.

Sworn to and subscribed before me this 27th day of February, A. D. 1899.

[SEAL.]
[SEAL.]

T. E. WALLACE, *Notary Public*.
GEO. H. HOWELL, *Notary Public*.

OWEN F. LOVE, being duly sworn, deposes and says:

Direct examination:

Q. Mr. Love, what is your name, age, place of residence, and business?—A. Owen F. Love; 39 years old; No. 102 Front street, Wilmington, N. C.; wholesale and retail hardware.

Q. Under what firm name are you operated?—A. Owen F. Love & Co.

Q. Where is your place of business?—A. No. 114 Front street, Wilmington, N. C.

Q. How long have you been doing business at this place as a hardware dealer?—

A. About five years.

Q. Did you vote in the last election for Congressman in this district; and if so, for whom did you vote? I mean in the election of November 8, 1898.—A. I did, for John D. Bellamy.

Q. What are your politics?—A. I am a Democrat.

Q. Mr. Love, does your business sell firearms?—A. Not as a specialty; no.

Q. Are firearms sold by you in the general business as a hardware dealer?—A. They are.

Q. How sold, by wholesale and retail, or both?—A. Both.

Q. Did you sell firearms during the month of October, during the first ten days of the month of November, 1898?—A. I presume I did, as we sell them all the year around.

Q. Can you or can you not speak positively as to whether or not you have sold firearms during the period mentioned?—A. Well, positively—I evaded your former question unintentionally—we have.

Q. What class of firearms were at greatest demand at your place of business during the period mentioned?—A. Guns and pistols.

Q. What particular kind of guns were mostly in demand?—A. Shotguns, rifles, and pistols.

Q. What other kind of guns than shotguns, rifles, and pistols you own as firearms did you have for sale during the period mentioned?—A. Well, I can't answer that question.

Q. What guns were in greatest demand—shotguns or rifles—during the period mentioned?—A. I don't know.

Q. Can you approximately state the number of rifles sold by you during the period mentioned—by your house, I mean?—A. I can not.

Q. Did your sales amount to as many as 500?—A. They did not.

Q. Did they amount to as many as 400?—A. They did not.

Q. Did your sale of rifles during the period spoken of amount to as many as 350?—

A. No.

Q. Did they amount to as many as 325?—A. Our sales between the 1st of October and the 10th day of November, as far as we can ascertain, 59 guns, about 20 per cent less than was shown on our books for the same period of the previous year.

Q. Mr. Love, did you say the sales made by your house of firearms during October, and during the month of November to the 10th day, 1898, were 20 per cent less than the sale of firearms made by your house during the month of October and up to the 10th of November, 1897?—A. I do.

Q. To whom did you sell firearms as a class, October and November, 1898—Republicans or Democrats, white men or colored?—A. I did not sell to anyone as a class; the impression seemed to be among certain negroes that we would not sell them. W. J. Dyson, postal clerk, colored, asked me this question and I told him that I had no objection to selling any respectable man, white or colored, but that I would refuse to sell cartridges, pistols, or guns to any disreputable negro.

(At this point the contestant, through his attorney, asks that the witness be stopped from relating a conversation had by him with another person, upon the grounds that such is incompetent, irrelevant, and not germane, nor a direct answer to the question propounded. The witness is directed, by order Notary Public, George H. Howell, to proceed in his own way.)

Q. To whom were your sales made, Mr. Love—to white men or negroes; I mean sale of firearms during the period mentioned?—A. They were sold principally to white merchants.

Q. To white merchants in the city of Wilmington?—A. Yes; and in North and South Carolina.

Q. Were you present on any occasion when speeches were made by Democratic speakers in this city of Wilmington during the campaign of 1898?—A. I was.

Q. Were you present at the opera house in the city of Wilmington on the occasion when Col. A. M. Waddell spoke, and in which speech he said, substantially, that the Democrats, or white people, would carry the election of that year, 1898, if it required the filling of the river Cape Fear with the carcasses or dead bodies of negroes?—A. I was there for a short while, but did not hear him say it.

Q. What like expression to that given in the foregoing question, if any, did you hear Colonel Waddell make?—A. None whatever.

Q. How long were you present on the occasion referred to?—A. Only for a very short while.

Q. Who is the present mayor of the city of Wilmington?—A. One of our most honored citizens, Col. A. M. Waddell.

(Counsel for the contestee objects to the question and answer upon the ground that both are totally irrelevant to the question before the commissioners.)

Q. Mr. Love, were you present on the 10th of November when Col. A. M. Waddell, with others, were reported to have made a raid upon the Manly printing office when the press was destroyed?—A. No.

(Question and answer objected to by counsel for contestee upon the ground that it is incompetent, and nothing which happened two days after the election could have any effect whatever upon the result of the election, which had then been already determined. Commissioner Wallace, one of the notaries public, overruled the objection, and Mr. Howell, the other, sustained it. The contestant holds that the ruling of the notary public who issued subpoenas in this case for hearing of witnesses on this occasion and named in the notice of contestant to contestee of the taking of testimony on this occasion here should prevail, and contestee contends that the decision of the notary public named in the original notice of deposition should not prevail over the decision of the notary named by contestee, Geo. H. Howell.)

Q. Were you in the city of Wilmington on that day?—A. Yes.

Q. What knowledge, if any, have you of the action taken by the parties named?—

A. None.

A. Were you a member of what is known as the White Union?

(Question objected to upon the ground it is incompetent and irrelevant.)

A. There is no such union.

Q. Were you a member of what is known as the White Government Union of this city, or any ward or division of this city, during the month of October and a part of the month of November, 1898?

(Contestee objects to this question upon the ground that it is incompetent and irrelevant and asks that it be excluded. Mr. Wallace overrules the objection; Mr. Howell sustains it.)

A. I was a member of the Second Ward Democratic Club; what other name it went by I don't know.

Q. Was it the expressed purpose of that club, of which you were a member, to secure the election of John Bellamy, candidate for Congress, by peaceable means if possible, but by force if necessary?—A. No. On the other hand, I heard Mr. Bellamy advise peaceable means.

Q. You say Mr. Bellamy advised peaceable means? Did the club resolve or determine, if necessary, to use violence and force to secure his election?—A. They did not, to my knowledge.

Q. Do you know of a purpose upon the part of the club, or members of the same, to resort to violence, if necessary, to accomplish the election of Mr. Bellamy?—A. I did not; and as I am personally acquainted with majority of the club, I am assured that they would not countenance any such measure.

Q. Do you know of the fact that a certain number of citizens of this town or city were black listed, as called, and were notified to take no political action or leave the city, or that they would be killed or otherwise violently dealt with because of political reasons, during the months of September, October, and November, to and including the 8th of November?—A. No.

Q. Mr. Love, do you know of the fact that it was the purpose upon the part of certain supporters of Mr. John D. Bellamy to intimidate any leaders of the Republican or Populist party of New Hanover County, thereby to weaken and destroy their influence, expected to be exerted against said Mr. Bellamy?—A. I do not.

Q. Do you know, of your own knowledge or by admission of persons who did so, of any statements being made by employers of Republicans, white or black, in this city or county, with effect that they had notified such employees that if they registered to vote on the election that occurred and that was to occur on November the 8th, 1898, that their services would be no longer needed? You need not state, however, any admissions heard by others.—A. I did not.

OWEN F. LOVE.

Sworn to and subscribed to before me this the 27th day of February, A. D. 1899.

[SEAL.]
[SEAL.]

T. E. WALLACE, *Notary Public*
GEO. H. HOWELL, *Notary Public*.

At 10.30 p.m. the court took a recess until 10 o'clock a.m. the following morning, Tuesday, February 28, 1899. Upon the reassembling of the court at 10 o'clock a paper was read by counsel for contestee, which is hereunto annexed and marked Exhibit A, and is made a part of the record of these proceedings.

EXHIBIT A.

The contestee desires to protest and object to the taking of any evidence in this matter upon the following grounds: That the contestant, in his notice to the contestee of his intention to contest his election, expressly declares that he contests as the nominee of the Republican and Populist parties, and that he does not claim that he was elected or has any right to the seat in Congress even should it be finally determined that the contestee was not elected; and that the act of Congress does not contemplate and does not provide for the taking of testimony touching the validity of a Congressional election and the right of a member, to whom a certificate of election has been duly issued, to his seat at the suit of a defeated candidate who expressly disclaims any right to the seat and declares he was not elected.

JNO. D. BELLAMY.
By his Counsel—
JUNIUS DAVIS.
FRANK MCNEILL.
THOS. W. STRANGE.
GEO. L. PESCHAU.
W. B. MCKOY.

The above notice was filed by counsel for Contestee John D. Bellamy, in the case of contested election of Oliver H. Dockery, contestant, against John D. Bellamy, contestee, in the taking of depositions before T. E. Wallace and G. H. Howell, notaries at Wilmington, N. C., and is hereby declared a part of our records.

[SEAL.]
[SEAL.]

T. E. WALLACE, *Notary Public*.
GEO. H. HOWELL, *Notary Public*.

J. W. MURCHISON, being duly sworn, deposes and says:

Direct examination:

Q. Mr. Murchison, what is your name, age, residence, place of business, and business, with the name of your house?—A. J. W. Murchison; 46; Wilmington; Wilmington, hardware; J. W. Murchison.

Q. How long have you been engaged in business of selling hardware under the firm name of J. W. Murchison?—A. Four years in January.

Q. Were you engaged in selling firearms as a part or branch of the general hardware business?—A. Yes.

Q. Were you engaged in selling firearms in the month of October and including the month of November to the 10th day, 1898?—A. Yes.

(Question and answer objected to by counsel for contestee upon the ground that it is incompetent, and nothing which happened two days after the election could have any effect whatever upon the result of the election, which had then been already determined. Rulings by notaries same as before in the Love deposition.)

Q. What about the sales of firearms effected by your house during the month of October and up to and including the 8th day of November, 1898, compared with the equal length of time before and since the dates given?—A. My sales were greater than the year before, but I do not know how they would compare with the like period of 1896.

Q. Can you state, approximately, the number of firearms sold by your house during the month of October and that part of the month of November ending with the 8th day, 1898?—A. I can not.

Q. What kind of firearms, if any, was sold by your house during the period last mentioned?—A. Shotguns, rifles, pistols.

Q. Which kind was most usually sold—shotguns, rifles, or pistols—by your house?—A. Pistols.

Q. How many pistols, or about how many pistols, were sold by your house during this period mentioned?—A. I don't know.

Q. Can you approximate the number?—A. I should think about 200.

Q. About how many shotguns were sold by your house during the period mentioned?—A. I can't tell how many I sold.

Q. Are you prepared to state approximately the number of shotguns sold by your house during the period mentioned?—A. Well, I should say 40 or 50.

Q. Are you prepared to state approximately the number of rifles sold by your house during the period mentioned?—A. I should say about 125.

Q. What rifles were in greatest demand with your house?—A. The Colt rifle.

Q. Will you state approximately the number of Colt rifles you sold during the period mentioned?—A. Well, I should say about 75.

Q. What other rifle was next in greatest demand?—A. Winchesters.

Q. Can you state approximately how many Winchester rifles you sold during the period mentioned?—A. I should say about 50.

Q. Were these arms, the rifles named, single-fire or repeating rifles?—A. They were repeating.

Q. How many times repeating was the Colt rifles sold by your house?—A. Fifteen times.

Q. How many times repeating was the Winchester rifles sold by your house?—A. Fifteen or 16, I don't remember which.

Q. Did you vote in the last election?—A. I did.

Q. What are your politics?—A. Democrat.

Q. To whom was your support in the last campaign and your vote in the last election, November 8, 1898, given for Representative of the Sixth North Carolina district in the Fifty-sixth Congress of the United States, Oliver H. Dockery or John D. Bellamy?—A. John D. Bellamy.

Q. Were you a member of an organization known as the White Government Union, during September, October, and up to and including the 8th day of November, 1898?

(Question objected to by counsel for contestee upon the ground that it is incompetent and irrelevant, and ruling by the notaries public, as in like objection put to Mr. Love in taking his deposition in this case.)

A. I was not.

Q. Were you a member of any political organization or club during the period mentioned?

(Same objection made as to the last question and ruling by notaries as in preceding question.)

A. I was not.

Q. Mr. Murchison, how many colored Republicans or white Republicans, if any, were employed in the service of your house during the months of September, October, and up to and including the 8th day or November, 1898?—A. I had two colored employees.

Q. Are they in your service now?

(Counsel for contestee object to the question upon the ground that the question and answer are irrelevant, and ask that they may be excluded; that the objection of the counsel for contestee is sustained by the commissioners and the question be excluded.)

Q. Were they in your service up to and including November 8, 1898?—A. One was, one not.

Q. Which one was?—A. John Wesley Moore.

Q. Was the other discharged by you previous to that time and after October 1 of that year, 1898?—A. He was.

Q. Did you inform the one discharged, James Spicer, previous to his discharge by you, that if he registered to vote at the ensuing election that you would have no further use for his services, or did you use to him language of like import?—A. I did not.

Q. Did James Spicer register to vote at the election that occurred on the 8th day of November, 1898?—A. Do not know.

Q. Was he discharged by you for political reasons?

(Objected to by counsel for contestee upon the ground that the witness has already stated that he did not threaten to discharge him if he registered to vote, and that the motives of the witness in discharging him are irrelevant and can not be inquired into in this manner. Mr. Wallace rules that the objection is overruled. Mr. Howell sustains the objection.)

A. Well, I don't know whether they were political reasons or not.

Q. Will you please state what reasons they were, that it may be considered whether they were of a political nature or not?

(Counsel for contestee objects to this question upon the same grounds that they objected to the last question, and the ruling by the respective commissioners is the same as that in the last question.)

A. On account of what I heard, was the reason I discharged him.

Q. Was it that he was to vote the Republican ticket?—A. No.

Q. Mr. Murchison, were you present on occasion when, in October, 1898, Colonel Waddell made a speech in the opera house in this city in which he used substantially the language that the white men or Democratic party would win the election to occur on the 8th day of November thereafter, 1898, by peaceable means, if possible, but that they would win if it required the Cape Fear River to be filled with carcasses or bodies of dead negroes?—A. I was not present.

Q. Were you present on the 10th of November at the riot that occurred in this city when the Manly printing press and house were destroyed?

(Counsel for contestee objects to the question upon the ground that anything that happened on the 10th of November, 1898, could have no effect upon the result of the election held on the 8th day of November previous. Mr. Wallace overrules the objection. Mr. Howell sustains the objection.)

A. I was present.

Q. Who led the riot or mob on the occasion mentioned?

(Counsel for contestee objects to this question on the same grounds as last question; that upon further grounds that the questions assume that there was a mob or riot here on that date, of which there has been no evidence in these depositions. The objection of the counsel for contestee is sustained by Geo. H. Howell, with which I, T. E. Wallace, agree for the reason last given by counsel; and the question is excluded.)

Q. Mr. Murchison, was there or not a mob and riot in the city of Wilmington on the 10th day of November, 1898?

(Question and answer objected to by counsel for contestee upon the ground that it is incompetent, and nothing which happened two days after the election could have any effect whatever upon the result of the election, which had then been already determined. Commissioner Wallace overrules the objection and Commissioner Howell sustains it. Commissioners instruct the witness that he can decline to answer, giving his reason therefor.)

A. There was a riot or mob, whatever you call it, on that day in Wilmington.

Q. Who led that mob or riot?—A. Do not know.

Q. To whom were the sale of arms made sold by your house—white men or colored men, Republicans or Democrats—during the period beginning September 1 up to and including the 8th day of November, 1898—A. Well, I don't know what was done in the house.

Q. Was it not the policy of your house to sell, during the month of October and up to the 8th of November, 1898, exclusively to whites the arms mentioned?—A. We sold to whites and merchants.

Q. Was it or was it not a fact within your own knowledge that the whites of Wilmington were unprecedentedly thoroughly armed during the time mentioned?—A. I do not know whether they were thoroughly armed or not.

Q. Was there or not an unusual number of arms, consisting of Colt's and Winchester rifles, also pistols and shotguns, in the hands of the white people favorable to the contestee's election, during the period mentioned?—A. There were more firearms than usual.

Q. Was there a change in the city government of the city of Wilmington in regard to the officials in office effected on the 11th of November, 1898?

(Counsel for the contestee objects to the question upon the ground that it is incompetent and nothing which happened two days after the election could have any effect whatever upon the result of the election, which had then already been determined; and upon the further grounds that no change in the municipal government of the city of Wilmington could have any effect or influence upon the result of a Congressional election that took place two days previous. George H. Howell, sitting as a part of this court, sustains the objection of the counsel for the contestee in toto. Commissioner Wallace overrules the objection.)

A. There was.

Q. By that change that occurred on the 11th day of November, 1898, who became mayor of the city of Wilmington?—A. Col. Alfred M. Waddell.

Q. Were there any persons killed in the riot during the day of November 10, 1898?—

A. I did not see any.

Q. Did you observe the use of firearms in the city of Wilmington on November 10, 1898?

(Counsel for contestee objects to the question that it is incompetent and nothing which happened two days after the election could have any effect whatever upon the result of the election, which had then been already determined. Mr. Howell sustains the objection. Commissioner Wallace overrules it.)

A. I did.

Q. Was there or was there not unusual and excessive use of firearms at the time mentioned?—A. There was.

Q. Whom did you observe using firearms on the day mentioned—whites or negroes, Republicans or Democrats?

(Same objection and ruling as last made.)

A. Whites.

Cross-examination:

Q. In answer to Mr. Spears a few minutes ago you said there were an unusual use of firearms in the city of Wilmington on the 10th of November; explain what you mean by the word excesses.—A. Well, I saw more firearms during that day than I did for a week before.

Q. Mr. Murchison, you have been connected with the hardware business for a number of years, have you not?—A. Yes.

Q. Is your present business confined solely to the retail trade?—A. It is not.

Q. Is your present trade confined solely to the county of New Hanover?—A. It is not.

Q. What is the area embraced by your trade?—A. North and South Carolina.

Q. Was the area of your trade the same as answered in the question above, the same in the months of September, October, up to and including November 8, 1898?—A. It is the same.

Q. Mr. Murchison, you are not prepared to say, are you, that the number of guns you mentioned as having been sold in the months of September, October, and November, up to and including the 8th, 1898, were sold exclusively in the county of New Hanover?—A. No; they were sold all around.

Q. Mr. Murchison, are your statements made in your direct examination as to the sale of guns in the months of September, October, and November, up to and including the 8th of said month, 1898, mere estimates or expression of opinion, or are they the actual sales made?—A. They are estimates.

Q. Did the number of guns testified to by you as having been made in the aforesaid exceed those of previous year for any like period since your connection with the hardware business?—A. No.

Redirect examination:

Q. Mr. Murchison, in your statement as to the area covered by your business, did you mean to say that your trade covered the whole area of North and South Carolina, or that your trade covered a part only of the area of each of the States mentioned?—A. Covered a part of each State mentioned.

Q. Were not your sales made during the month of October and part of November up to and including the 8th of the latter month, 1898, most largely, if not entirely, confined to the demand made in the Sixth district of North Carolina or the border counties of South Carolina contiguous thereto?—A. My sales were larger in North Carolina; guess they were in the Sixth district, too.

The examination continued by the counsel for the contestee as to new matter brought out by the counsel for the contestant in his redirect examination. The counsel for the contestant objects to further examination of the witness, Mr. Murchison, upon the part of the contestee for the reason: First, that no new matter was brought out by the redirect examination, and if so it was done by the consent of counsel for contestee, or without their objection and is, therefore, a waiver of their right to restrain contestant's counsel without right upon their part to further protract the examination of this witness.

Q. Mr. Murchison, will you kindly name for us the number and counties, giving their names, included in what is known as the Sixth Congressional district of North Carolina?—A. They are Mecklenburg, Union, Anson, Richmond, Robeson, Columbus, Pender, New Hanover, and Brunswick.

J. W. MURCHISON.

Sworn to and subscribed to before me this 28th day of February, A. D. 1899.

[SEAL.]

T. E. WALLACE, *Notary Public*.

[SEAL.]

GEO. H. HOWELL, *Notary Public*.

WM. E. SPRINGER, being duly sworn, deposes and says:

Direct examination:

Q. Mr. Springer, what is your name, age, residence, business, and place of business?—A. Wm. E. Springer; 49; Wilmington, N. C.; hardware, Wilmington, N. C.

Q. How long have you been doing business in the city of Wilmington, N. C.?—A. About twenty-seven years.

Q. Conducting the general business of hardware?—A. General hardware business.

Q. Does this business include that of the sale of firearms?—A. It does.

Q. Did you sell firearms during the months of September, October, and November, up to the 8th day of the last month, 1898?—A. We did.

Q. What kind or class of firearms were sold by you during the period named?—A. General line of firearms.

Q. Of what kind of firearms does the term general line of firearms include?—A. Rifles, revolvers, shotguns, small arms.

Q. Can you approximately state the number of firearms sold by your house in this city during the months of September, October, and November, to the 8th day of the last-named month, 1898?—A. I could not.

Q. Can you approximately state to me of firearms sold by your house during the period named?—A. I could not.

Q. Can you approximately state the number of rifles of the repeating class sold by your house during the period named?—A. I could not; I have no data to go by.

Q. Can you approximately state the number of repeating arms sold by your house in this city during the month of October and up to and including the 8th day of November, 1898?—A. No; I could not.

Q. Can you approximately state the number of firearms sold by your house at any period during the political campaign of 1898 and ending on the day of election, November the 8th of that year?—A. I could not, as I have no data here to go by.

Q. In your opinion did the sale of firearms made by your house for the period beginning October 1 and ending November 8, 1898, amount to as many as 500 pieces?—A. I could not say.

Q. Can you say whether it equaled so many as 1,000 pieces during the period named or not?—A. I should think not.

Q. How many pieces do you think it probable, such firearms, meaning the number of firearms sold by you during the period named?—A. I could not state.

Q. Was the demand for small firearms unusually great during the term mentioned or not?—A. Well, I would say they were larger than usual.

Q. Had for a like period of time of any previous year in your business—would the demand ever equal that of the period mentioned of the year 1898?—A. I should say not.

Q. Were the sales made by your house to white or colored people, Republicans or Democrats, mostly?—A. Mostly to whites.

Q. Do you know at this time of a single instance in which you made a sale, or that your house made sale of a repeating rifle or pistol to a colored man during the period mentioned, 1898?—A. Well, I could not say for I don't see all the sales made in the house, not half of them.

Q. But you do not remember of you or your house making a single sale to a colored person during the period mentioned?

(Question objected to by counsel for contestee on ground that it is leading. The question is ordered ruled out by both commissioners.)

Q. Mr. Springer, were you a member of what is known or what was known as and denominated the White Government Union?

(Counsel for contestee object upon the ground that it assumes that a White Government Union existed here and there is no evidence in these depositions of such a fact. Commissioner Howell sustains the objection; Commissioner Wallace overrules the objection.)

A. I was.

Q. There was then an organization in the city of Wilmington known as the White Government Union?—A. There was.

Q. Mr. Springer, was there or not any purpose upon the part of the members of that White Government Union to prevent in any manner, peaceable or otherwise, the registration of Republican voters in Wilmington or elsewhere in the Sixth Congressional district of North Carolina?

(Witness directed by the court to answer only as to the county of New Hanover, including of course the city of Wilmington.)

A. As far as I know, there was not.

Q. Mr. Springer, what are your politics and whom did you support as a candidate to represent the Sixth Congressional district in the Fifty-sixth Congress of the United States during the campaign of 1898 and for whom did you vote in the election that occurred on the 8th day of November, 1898, as such candidate?—A. First, I am a Democrat; second, I voted for Mr. Bellamy; I naturally supported the man I voted for.

Q. Did you support Mr. John D. Bellamy as a candidate during the campaign mentioned?—A. I did.

Q. Mr. Springer, did you have any colored men Republicans in your employment during the month of October, 1898?—A. We did.

Q. Will you please state how many and give their names?—A. Between 30 and 40.

Q. Mr. Springer, were these men or any of them notified by you or any one for you that if they registered during the month of October, preparatory for voting on the 8th day of November, 1898, that their services would be no longer needed or desired by you, or did you or anyone for you, to your knowledge, consent, or direction, so state to any such of your employees?—A. No, sir.

Q. Did you discharge or direct the discharge of any such employee of yours because of their registration or on account of their political views, or for their having voted at the election named. And if so, please state for which of such reasons such discharge was made.—A. I did not.

Q. Mr. Springer, were you present at the opera house in the city of Wilmington on the occasion in October, 1898, when Col. Alfred M. Waddell, the present but not then mayor of the city of Wilmington, delivered his speech in which was used by him substantially this statement: "We, the white people, will carry the coming election by peaceful means if possible, but we will carry it if it requires the Cape

Fear River shall be filled up with the carcasses or bodies of dead negroes?"—A. I was there.

Q. Was there or was there not present a large audience? And if so, state of what race exclusively or most largely composed the audience.—A. Well, there was quite a large crowd there; I have seen much larger crowds; I don't consider it was an unusual large audience; most of the people were white.

Q. Mr. Springer, what number do you estimate to have been present on the occasion spoken of at the opera house?—A. I should judge from anywhere from 600 to 800.

Q. Was it not a representative body of the Democracy of the city of Wilmington?—A. I should say it was.

Q. Mr. Springer, did the speech of Colonel Waddell on that occasion receive hearty and demonstrative applause or not?—A. Some portions of it only.

Q. Please state, Mr. Springer, how the audience received and seemed to appreciate that portion of the speech referring to the carcasses and bodies of dead negroes in the Cape Fear River.—A. So far as I was able to discern, it was not received favorable at all.

Q. Mr. Springer, did this portion of the speech of Colonel Waddell appear during the first or middle or later part of the delivery of the speech?—A. I don't recollect just now at what stage of the meeting it was.

Q. Mr. Springer, were you present on the morning of the 10th day of November, 1898, in the city of Wilmington, on the occasion of mob and riot at or near the Manly printing office and at and during the riot?

(Question objected to by the counsel for contestee upon the ground that it is incompetent, and nothing which happened two days after the election could have any effect whatever upon the result of the election which had then been already determined. Mr. Howell, notary public, sustains the objection; and Commissioner Wallace overrules the objection.)

A. No, sir; never was there in my life; don't know where it is.

Q. Did you see and hear shooting of firearms in the city of Wilmington on the date named? And if so state in what measure and by whom such shooting of firearms was made whether white or black.

(Same objection and same ruling as to preceding question and answer.)

A. Yes, I saw firearms in the hands of people, but they were in the hands of the military and naval reserves; I did not hear any shooting, nor did I see any.

Q. Did you see firearms in the hands of any other persons than the regularly organized military or naval reserve forces on the date and occasion mentioned?

(Same objection and same ruling as last made.)

A. Yes; I saw in the hands of our citizens on that date patrolling the blocks in the city for the protection of our property.

Q. Against whom was this protection afforded?

(Same objection and same ruling as last named.)

A. Well, in answering that I will have to explain a little: Against the colored people. The colored people told him that the colored women particularly were finding what they called the backbone of the men, and if they could not take care of themselves that they, the women, could do it with a kerosene oil torch; that was what banded them together for protection.

Q. Did any colored man or woman, men or women tell you that the colored people were banded together with the intention and purpose of using kerosene oil and the torch to destroy the property of any part of the city of Wilmington?—A. I was told that they would do it provided that the men would not maintain themselves against the whites.

Q. Mr. Springer, do you know of the organization of any mob or riot inaugurated by the colored people of the city of Wilmington as a community during the period beginning on the 1st day of October and ending on the 10th day of November, 1898?—A. No, I know nothing about any organization of any riot or mob.

Q. Do you know of any incendiary committed in the city of Wilmington by the colored people or any part of them organized as a community during the period mentioned?—A. No, sir; I do not.

Q. Do you know of such even by reputation during the period mentioned?—A. Not of my own knowledge to that effect.

Q. Do you know whether or not during the day of the riot, November 10, 1898, there were any persons killed by the mob or otherwise not in accordance with the law in the city of Wilmington?

(Counsel for the contestee objects to the question, upon the ground that it is incompetent, and nothing which happened two days after the election could have any effect whatever upon the result of the election, which had then been already determined. Commissioner Howell sustains the objection and Commissioner Wallace overrules the objection.)

A. Of my own knowledge, I do not; I did not see any.

Q. Were the persons you observed armed and marching on the streets and standing upon the corners of certain streets in the city of Wilmington on the 10th day of November, 1898, not of the military nor marine or naval reserves forces, white or colored men, Democrats or Republicans?

(Same objection made as to last question and same ruling.)

A. They were white people, patrolling the blocks; white men; I suppose they were Democrats.

(Counsel for the contestant closes the direct examination.)

Cross-examination.

Q. Mr. Springer, where were you born?—A. I was born in Williamsport, Pa.

Q. Where were your father and mother born, Mr. Springer?—A. My father was born in the State of Maine; my mother was born in New Hampshire.

Q. When did you move South?—A. 1856.

WM. E. SPRINGER.

Sworn to and subscribed before me this the 28th day of February, A. D. 1899.

[SEAL.]

T. E. WALLACE, *Notary Public*.

[SEAL.]

GEO. H. HOWELL, *Notary Public*.

JNO. D. FRANKLIN, being duly sworn, deposes and says:

Direct examination:

Q. What is your name, age, residence, and business?—A. Jno. D. Franklin; age, 26; 110 No. Water, Wilmington, N. C.; restaurant.

Q. How long have you lived in the city of Wilmington?—A. 26 years.

Q. You were born and raised here, then?—A. Yes, sir.

Q. Where were you during the 8th, 9th, 10th, and 11th days of November, 1898?

(The counsel for the contestee objects to so much of that question as asked to whereabouts of the witness on the 9th, 10th, and 11th days of November, 1898, upon the ground that no matter where he might have been on those three days after the election it could in no wise affect or concern the result of the election. Commissioner Wallace overrules the objection; Commissioner Howell sustains the objection.)

A. Here in the city of Wilmington.

Q. Did you see or not see the mob and riot that occurred in the city of Wilmington on the 10th day of November, 1898?

(Counsel for the contestee objects to the question, upon the ground that it is irrelevant and incompetent, for that nothing which happened after the 8th day of November, 1898, could any wise affect or concern the result of the election. Commissioner Wallace overrules the objection; Commissioner Howell sustains the objection.)

A. I saw the armed crowd gathered in front of the armory; I saw men patrolling the blocks, and I saw the military and some other armed men going toward Manhattan Park.

Q. Did you see bodies of any dead persons that were killed in the city of Wilmington on the 10th day of November, 1898; and if so, where were they observed by you, and what were you doing at the time that you observed these dead bodies; and if any, were they white or black people?

(Counsel for contestee objects to the question, upon the same ground upon which he objected to the last question. Commissioner Wallace overrules the objection; Commissioner Howell sustains the objection.)

A. I did. First four I observed were in the undertaking establishment of D. A. Evans. The next one was at the home of the dead person on Sixth, between Brunswick and Bladen; next one was at the city hospital, and the next one was at the city hospital. I was associated with the coroner in keeping a record of the witnesses he summons for the investigation as kind of a secretary. They were black; that is, they were colored.

Q. State how many bodies in all you observed on the occasion mentioned who were killed in the riot that occurred on the 10th day of November, 1898, and what was the character of the wounds, if any, from which they died.

(Counsel for the contestee objects to so much of that question as asks the witness how many dead bodies in all he observed on the occasion mentioned were killed in the riot that occurred on the 10th day of November, 1898, upon the ground that it assumes that these men were killed on that day in a riot, when there is no evidence whatever to purport as whether they were killed, how they were killed, and in what manner they met their death; and they object to the entire question upon the same ground upon which they objected to the last question. Commissioner Wallace sustains that portion of the objection which applied to the first part of the question and excludes it, but overrules that portion of the objection applying to the latter part of the question. Commissioner Howell sustains all the objection in all its parts, and orders that all the question be excluded.)

Q. How were the persons whose bodies you viewed on the occasion mentioned killed, or from what character of wounds did they appear to have died?

(Counsel for contestee objects to the question, upon the ground that it is incompetent and irrelevant, and that nothing that happened after the 8th day of November could affect the result of the election on that day. Commissioner Wallace overrules the objection; Commissioner Howell sustains the objection.)

A. There were gunshot wounds in the bodies of them all.

Q. Mr. Franklin, have you had to do with politics in the city of Wilmington to the extent that you have exercised in any degree representative function as a Republican, if such be your politics?—A. I am a Republican. I have occupied position as canvasser, if you call that representative.

Q. Do you know of your own knowledge whether there was in the city of Wilmington any organization among the colored people, male or female, as a community or part of the whole community, to exhort to incendiarism or any other character of criminal violence against the persons or property of the white people of the city of Wilmington?—A. There was not, to my knowledge.

Q. Had you at any time information, reliable or otherwise, to the effect that such organization with such purposes existed during the period covered from September 1 to November 12, 1898?—A. I had not.

Cross-examination:

Q. Franklin, you are colored man, I suppose?—A. Yes, sir.

Q. Were you an officer of the election, or what was your political office in the election of November 8, 1898; or were you a poll-holder?—A. I was not.

Q. Were you a canvasser for the Republican party in the election occurring on November 8, 1898, and if so, did your duties require your presence at any of the voting places in this city?—A. I was a canvasser; I was stationed during the election at the old hose-reel house, the voting place in the third division of First Ward.

Q. Were you there for the major part, if not all, of the day of November 8, 1898?—A. I was.

Q. Did you vote in the election held November 8, 1898?—A. I did not.

Q. Did any one attempt, by force or intimidation, to prevent you from casting your vote on that day?—A. No one did.

Q. Did you see, while present as canvasser in the third division of the First Ward, any attempt made by force or intimidation to prevent any qualified voter from casting his vote?—A. I did not.

Q. Witness, do you not know that the election of your precinct was fairly and openly conducted?—A. I believe it was.

Redirect examination:

Q. Are you prepared to say whether the full Republican strength of the precinct referred to was polled at the election held on the 8th day of November, 1898?—A. It was not polled.

JNO. D. FRANKLIN.

Sworn to and subscribed to before me this 1st day of March, A. D. 1899.

[SEAL.]

T. E. WALLACE, *Notary Public*.

[SEAL.]

GEO. H. HOWELL, *Notary Public*.

JNO. G. NORWOOD, being duly sworn, deposes and says:

Direct examination:

Q. What is your age, residence, and business?—A. 73; Wilmington, N. C.; carpenter.

Q. How long have you been a resident of the city of Wilmington?—A. All my life.

Q. Do you own any property here in the city of Wilmington; if so, about how much and of what does it consist?—A. I own, I suppose, twelve or fourteen lots, valued about \$2,000; eleven houses.

Q. Do you now or have you ever occupied any official position in the city government of the city of Wilmington, N. C.; and if so, of what character?—A. I was appointed by the governor as an alderman from the Second Ward; that was the only office I had, except that I was appointed a school committeeman about twenty years ago.

Q. When did your term of office as alderman begin under the appointment of the governor?—A. I really can not remember the date, sir; but at the regular time, sir, for the alderman to take their seat.

Q. When did your office as alderman under such appointment terminate, if it ever has?—A. Terminated on the evening of the 11th of November.

Q. How did your official term terminate?—A. I got a report from the city clerk and treasurer to appear there at 4 o'clock, and when I went in I found Mayor Wright and three other aldermen. I don't remember what the mayor told me what the

meeting was called for. Our routine business practiced, then Mr. Gore got up and tended his resignation and Mr. Hewlett tended his; there was an alderman elected in place of each of two resigned; then Mr. Benson resigned, another person elected in his place; then I resigned, someone elected in my place, I don't know who; I got out as quick as I could.

Q. What are your politics?—A. Republican.

Q. Do you know of your own knowledge whether there was an organization upon the part of the colored people of the city of Wilmington, as a community or part of the whole community of the colored people of the city of Wilmington, with the purpose to commit any act of incendiarism or other act of criminal violence to the person or property of the white people of the city of Wilmington?—A. Never heard anything of the kind until I heard Mr. Springer state on the stand as having been told so.

Q. Were you in the city of Wilmington on the 10th day of November, 1898?—A. I was.

Q. Did you witness the mob and riot that occurred in the city of Wilmington at or about the place known as the Manly printing office, on that date occurring?

(Question objected to by the counsel for contestee, on the ground that it is incompetent and irrelevant, and nothing which happened two days after the election could have any effect whatever upon the result of the election, which had then been already determined. Commissioner Howell sustains the objection and Commissioner Wallace overrules the objection.)

A. No, sir.

Cross-examination:

Q. Were you a poll holder on the day of election?—A. I was register in the first precinct of the Second Ward.

Q. You assisted them to hold the election as register, did you not?—A. Yes.

Q. Did you vote on the day of the last election—I mean November 8, 1898?—A. I voted judiciary and legislative ticket.

Q. Did you vote the Congressional ticket?—A. Yes.

Q. Did you see any attempt to intimidate or to prevent by violence any person from voting on that day?—A. I did not.

Q. For whom did you vote for Congress on that day?—A. Oliver H. Dockery.

Q. Was the election peaceable and quiet and fair and open?—A. Perfectly peaceable, and everything went very quiet from beginning to end.

Q. Have you not attended and voted at all of the elections in the city of Wilmington for the past twenty years?—A. I have, sir, principally part of the time poll holder.

Q. Was not this last election as fair and peaceable an election as you ever witnessed or attended?—A. In my precinct it was.

Q. That is the only one you know about, of your knowledge?—A. Yes.

Q. You are a colored man, are you not?—A. I am colored.

Redirect examination:

Q. Was the full Republican strength of your precinct polled on the election occurring on the 8th day of November, 1898?—A. It was not.

JOHN G. NORWOOD.

Sworn to and subscribed to before me this 1st day of March, A. D. 1899.

[SEAL.]

T. E. WALLACE, Notary Public.

At the conclusion of Norwood's testimony, Mr. Spears, counsel for contestant, announced that he would discharge the witnesses summoned for contestant and take no further testimony, and he filed a protest, which was read and is hereunto annexed and marked "Exhibit B," and is made a part of the record of these proceedings.

EXHIBIT B.

Protest of Oliver H. Dockery, filed before Thomas E. Wallace, notary public, taking testimony in the above entitled case at Wilmington, N. C.

Whereas in this matter of the taking of testimony in behalf of the contestant, Thomas E. Wallace was petitioned to issue subpoenas for witnesses on the behalf of contestant; and

Whereas in accordance with said petition such witnesses were subpoenaed, and at the time mentioned in the subpoena, to wit, Saturday, February 25, 1899, at which time witnesses appeared, and at which time, upon motion of contestee's counsel, George H. Howell, notary public, was associated with the said Thomas E. Wallace as provided by law (Revised Statutes of the United States, section 118); and

Whereas the said George H. Howell, notary public, has sat with said Thomas E. Wallace in taking depositions in this case; and

Whereas he has declined to officiate in signing the depositions taken in this case with said Thomas E. Wallace, notary public, except only the deposition of Jos. N. Jacobi; and

Whereas the said section absolutely requires that each officer so associated and officiating shall act together, and sign and certify each to the depositions taken before them, the exact language of said section 118 of the United States Revised Statutes being as follows: "The depositions shall be taken before them both, sitting together, and be certified by them both;" and

Whereas, further, the said notaries public have ruled out certain questions, fully competent, germane, and relative, without authority of law, as the counsel for the contestant believes:

Now, therefore, the contestant, Oliver H. Dockery, most earnestly, seriously, and sincerely protests to the way and manner the testimony is being taken in this case, for the reasons mentioned, and fearing that such irregularity as mentioned, of the failure of the associated notary public, George H. Howell, esq., to sign and certify to the depositions, may annul and render void the same, the said contestant has discharged all witnesses subpoenaed by him from further duty, and asks that this protest be accepted and filed as a part of the record made at this taking of testimony by Thomas E. Wallace, beginning February 25, 1899, and including this day, March 1, 1899.

OLIVER H. DOCKERY, *Contestant*.
By OSCAR J. SPEARS, *Attorney*.

The above protest was offered and filed with me at 4 o'clock, at which time of filing it related the facts as they existed at the time, so far as I know, and know that it related the truth in stating the refusal of the associated notary public to certify depositions taken before myself and the associated notary public at the time of filing this protest, at which time the taking of testimony was closed and all witnesses for contestant were discharged.

[SEAL.]

T. E. WALLACE, *Notary Public*.

Mr. Peschau, as counsel for contestee, then read the following protest, which is hereunto annexed and made part of these proceedings and marked "Exhibit C:"

EXHIBIT C.

The counsel for the contestee, having read the protest of the contestant's attorney, just filed here, requested Mr. Howell, the notary, to certify to the said deposition; whereupon, at 4.14 o'clock this day, in the midst of the trial, said notary expressed his willingness to sign and did sign and certify said depositions, and stated as his reason for not having done so before was that he was doubtful as to his right to sign and certify certain parts of the depositions which he considered irrelevant and extraneous until he had investigated and deliberated as to his duties. Thereupon the contestee's attorneys requested the contestant's attorney to proceed with the examination of witnesses, as he had all the balance of the day and also all of tomorrow, the 2d of March, to continue the examination of the said witnesses.

JNO. D. BELLAMY.

By his counsel,
JUNIOUS DAVIS.
FRANK MCNIELL.
GEO. L. PESCHAU.

Filed with us at 4.40 p. m. o'clock and certified to as a part of our record.

[SEAL.]
[SEAL.]

T. E. WALLACE, *Notary Public*.
GEO. H. HOWELL, *Notary Public*.

The counsel for contestant having discharged its witnesses, and there being no further evidence to take, and the court having no further matter before it, took a recess to prepare its record, and after the preparation of same they adjourned sine die.

In witness whereof the said commissioners or notaries public hereunto fix their hands and seal this 2d day of March, A. D. 1899.

[SEAL.]
[SEAL.]

T. E. WALLACE, *Notary Public*.
GEO. H. HOWELL, *Notary Public*.

Notice to take depositions.

To JOHN D. BELLAMY, *Contestee*, *Wilmington, N. C.*

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Monroe, Union County, before J. M. Terrell, notary public, beginning

at 9 o'clock a. m. on the 27th day of February, 1899, and continuing from day to day if necessary.

I will examine the following witness, namely: J. W. Steen, Monroe, N. C.

OLIVER H. DOCKERY,
Per OSCAR J. SPEARS, Attorney.

FEBRUARY 21, 1899.

MONROE, N. C., February 21, 1899.

MR. J. M. TERRELL, Notary Public.

SIR: I request you to subpoena the following person to appear before you to testify as witness in the contested election case of Oliver H. Dockery, contestant, vs. John D. Bellamy, contestee, on Monday, February 27: J. W. Steen, Monroe, N. C.

Yours truly,

O. H. DOCKERY, Contestant,
By H. F. SEAWELL, Attorney.

[SEAL.]

J. MASSEY TERRELL, Notary Public.

I hereby accept service.

J. W. STEEN.

Pursuant to the annexed notice to John D. Bellamy, contestee in the above entitled cause, of the taking of the depositions or testimony of J. W. Steen, a witness for the contestant, I, J. M. Terrell, a notary public, resident in the Sixth Congressional district in North Carolina, under authority of law conferred on me by section 110 of the Revised Statutes of the United States, on the 27th and 28th days of February, 1899, in the town of Monroe, N. C., both Oliver H. Dockery, contestant, and John D. Bellamy, contestee, being present by their attorneys, proceeded to take the deposition or testimony of the said J. W. Steen, a witness for contestant, which said deposition or testimony is hereto attached.

Witness my hand and notarial seal this February 28, 1899.

[SEAL.]

J. M. TERRELL, Notary Public.

J. W. STEEN, a witness for the contestant, Oliver H. Dockery, in the case of Oliver H. Dockery, contestant, against John D. Bellamy, contestee, in the case of the contestant in the Sixth Congressional district in North Carolina for the contestee's seat in the Fifty-sixth Congress, before J. Massey Terrell, notary public at Monroe, Union County, N. C., on the 27th day of February, 1899, being duly sworn, deposes and says:

Q. Will you state your age and residence?—A. Age, 50; Monroe.

Q. What is your politics?—A. My politics, Republican.

Q. Will you state what you know about any efforts at intimidation on the part of the Democratic party or its leaders during the campaign of 1898, or on election day of that year, in Monroe or other portions of Union County?

(Question objected to by contestee.)

A. Well, I heard none but one make a direct say as to what they would do on the night preceding, I think, the election. Mr. W. C. Heath was in the hotel office and said he should tell those at the mill if they voted for that fusion crowd—then something else, and you know what that something else is, which is contrary to law for me to state.

Q. What mill do you refer to?—A. I refer to the Monroe Cotton Mills, of which Mr. Heath is manager.

(Both preceding questions and answers objected to by contestee.)

Q. Were you in Monroe on the day when Senator Tillman, of South Carolina, made a speech?—A. I was.

Q. Did you see the parade?

(Question objected to by contestee.)

A. I did.

Q. Were there many Red Shirts in that parade?

(Question objected to by contestee.)

A. Quite a number.

Q. Do you know that all of them were citizens of Union County?

(Question objected to by contestee.)

A. Most of them were strangers to me.

Q. Was the demeanor of these Red Shirts and others who paraded with them on that day of such a character as would frighten colored voters or other voters of opposite parties?

(Objected to by contestee.)

A. Noisy, with rapid riding up and down the streets.

Q. Were threats against your life communicated to you during the campaign of 1898 because of your political views? If so, please state the circumstances.

(Objected to by contestee.)

A. I think there was during the campaign and prior to the election; some of my relatives from South Carolina came to me inquiring as to what the trouble was up here; rumor there was that "Bob Flow, old Hasty, and yourself would be lynched before the campaign was over."

(Answer objected to by contestee.)

Q. Will you state what effect this threat had upon you or your family?

(Objected to by contestee.)

A. As to myself, very little; as to my family, right much.

(Answer objected to by contestee.)

Q. Do you know, from conversation or other communication with the Republican leaders in Union County, that the efforts at intimidation on the part of Democratic leaders in the county, and the threats and rumors of threats made against Republican and Populist workers, and the fear produced by rumors of Red Shirt paraders from other counties in the Sixth Congressional district, caused numbers of Republican and Populist voters not to go to the polls, or not to vote their sentiments?

(Question objected to by contestee.)

A. The situation was such that the leaders were not near so aggressive as heretofore, and the voter more timid.

(Answer objected to by contestee.)

Q. Was not the situation such as to make it impossible for Republican and Populist leaders to organize their forces and get out their voters?

(Question objected to by contestee.)

A. Not impossible; but they felt in many instances they would do it at their peril.

(Answer objected to by contestee.)

Q. Which party, the Democratic on the one hand or the Populist and the Republican on the other, had the registrars of voters and the majority of judges of election in the voting precincts in Monroe, Union County?—A. At the Court-house precinct the Fusionists had it; at Barrett's, also.

Cross-examination:

Q. Who was present at the conversation with Mr. Heath, and where was it had?—A. I do not remember all. Mr. Bob Stevens was present when a portion of the conversation was going on; the conversation was not addressed directly to me.

Q. Were any mill hands present?—A. I think not.

Q. Were any members of your family prevented from voting by the threats, or threats you alleged you heard of in your direct examination?

(Question objected to.)

A. They were all women.

Q. Were you prevented from voting?—A. I was not.

Q. Were you prevented from working for the success of your party?—A. No one approached me in such a manner as to deter me.

Q. Were not Populist and Republican voters very much dissatisfied with some of the effects of Fusion rule in Union County.

(Objected to.)

A. Some were.

Q. Were there not defections on the part of some of the Fusion leaders in Union County?—A. There was some of the heretofore Populist leaders that were affected in that way; I know of none in the Republican party.

Q. Was there not considerable delay in the effecting of a union between the Populist and Republican parties last campaign in Union County?—A. There was some; but not enough, I think, to effect the general result.

Q. Not to effect the general result any?—A. I think not.

Q. Were you present on the day of election at Monroe, Union County?—A. I was.

Q. State whether or not there was any breach of the peace that did intimidate, or was calculated to intimidate any voter?—A. I know of none.

Q. Are you informed as to the respective sizes of the vote in Union County in the campaign of 1898 and 1896?—A. I am not.

Q. Do you know of your own knowledge of any voter in Union County having been prevented from voting, in the election you refer to, by intimidation?—A. My own knowledge, I do not.

Q. You were a member of the Republican executive committee of the county last campaign, were you not?—A. I was.

Q. Do you know whether Bellamy or the candidates for the county offices received the larger majority in Union County?

(Question objected to on the ground such information comes from the election records provided for by law.)

A. I do not.

Q. Did not the Democratic party, in Union county, make a much more vigorous canvass of the county than the Fusion party did?

(Question objected to.)

A. I think so, from every conceivable standpoint. I understand this to mean, in all its workings for the success of its party.

(The examination of this witness continued by consent to February 28.)

Redirect examination:

Q. In your cross-examination you stated some were dissatisfied with Fusion rule in Union County, now state if this dissatisfaction extended to the Congressional candidates?—A. It applied in the main to the county.

Q. State, if you know, the comparative vote of county candidates in Union County with that for Colonel Dockery, the contestant in this case.—A. The official vote shows that Colonel Dockery ran ahead the Fusion county candidates 300 or 400 majority.

Q. On cross-examination you stated, in answer to the question "Did not the Democratic party in Union County make a much more vigorous canvass than the Fusion party did," "That I think so, from every conceivable standpoint." Now state what you mean by this.

(Question objected to by contestee.)

A. The general surroundings were such that a portion of the Fusionist speakers, which applies mainly to the colored population, did not enter in the campaign with such vigor as heretofore. We think money was used against us here in a great measure.

(Answer objected to by contestee.)

Q. Why was it that the negro speakers referred to above were less vigorous in their campaign than heretofore?—A. Because of the conduct of the Red Shirts in the nearby counties.

(Question and answer objected to by contestee.)

Recross-examination:

Q. You say in your redirect examination that the dissatisfaction upon the part of Republican and Populist voters was confined mainly to county candidates. Was not the gold element of the Republican party in Union County dissatisfied to some extent with Colonel Dockery's views in favor of free silver?—A. There was some little friction prior to arrangements for fusion in Union County; then it seemed to drop out of sight.

Q. Do you know of your own knowledge that the Democrats in Union County in the campaign of 1898 used money to purchase votes?—A. I do not.

Q. Do you know of your own knowledge concerning any reprehensible conduct of Red Shirts in the counties adjoining Union?—A. I do not. It is admitted that they did by all parties. (Latter clause of answer objected to by contestee as not responsive to question.)

Redirect examination:

Q. Is it not a fact that John D. Bellamy, contestee in this case, claimed to be an advocate of free coinage of silver, and that he ran upon the free-coinage platform adopted by the Democratic party in State convention in 1898?—A. He ran upon that platform. I am told by his closest friends that he is an advocate of free silver.

J. W. STEEN.

Subscribed and sworn to before me this 28th day of February, 1899.

[SEAL.]

J. MASSEY TERRELL, Notary Public.

(The contestee, J. D. Bellamy, hereby objects to the foregoing deposition of J. W. Steen being accepted as evidence in the cause of O. H. Dockery, contestant, v. J. D. Bellamy, contestee, for that one Lee Griffin acted as clerk in taking down the questions and answers in said deposition without first being sworn to make true and correct entries of said questions and answers and without being sworn in any manner whatsoever to perform his duties faithfully.)

Oliver H. Dockery, contestant, answering the above objection of John D. Bellamy, contestee, asking that the deposition of J. W. Steen be not accepted as evidence in said cause, for the reason that Lee Griffin acted as clerk in taking down the questions and answers in said deposition without first being sworn to make true and correct entries of said questions and answers, and without being sworn in any manner to perform his duties faithfully, says that the said Lee Griffin, clerk aforesaid, acted for and at the request of J. Massey Terrell, notary public, who took said deposition, and not as the clerk of Oliver H. Dockery, contestant; and that said Lee Griffin acted as clerk aforesaid without objection on the part of John D. Bellamy, contestee, or his attorney, Frank Annfield, who was present all during the time of taking of said deposition, and that the questions proposed by the parties in the

cause and the answers thereto were reduced to writing in the presence of J. Massey Terrell, notary public, aforesaid, and in the presence of the parties hereto or their agents, and that said deposition was duly attested by the witness, J. W. Steen, after said questions and answers had been entered as above by said Lee Griffin, in the presence of the parties aforesaid, together with the questions proposed by the parties or their agents, and reduced to writing in the presence of said notary public and in the presence of the parties or their agents.)

I, J. M. Terrell, notary public, resident in the Sixth Congressional district of North Carolina, do hereby certify that the foregoing is a deposition of J. W. Steen, taken in the above-entitled cause, before me, on the 27th and 28th days of February, 1899, in the town of Monroe, N. C.; and that prefixed to said deposition is a true copy of the notice of contest and of the answer of the returned member, and that the notice to take said deposition, with the proof of the service thereof, and a copy of the subpoena accepted by the witness therein named, are attached to said deposition.

Witness my hand and notarial seal this February the 28th, 1899.

[SEAL.]

J. M. TERRELL, *Notary Public.*

Notice to take depositions.

TO JOHN D. BELLAMY, *Contestant, Wilmington, N. C.*

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Monroe, N. C., in Union County, before J. W. Steen, notary public, beginning at 9 o'clock a. m. on the 27th day of February, 1899, and continuing from day to day if necessary.

I will examine the following witnesses, namely: C. S. Helms, S. M. Secrest, J. D. A. Secrest, Geo. E. Flow, Jno. S. Hasty, Monroe, N. C.; L. L. Fincher, Waxhaw, N. C.; T. L. Love, Loveslevel, N. C.; E. W. Belk, C. R. Moser (colored), Clio, N. C.; John W. Hasty, J. Z. Green, Marshville, N. C.; G. W. Flow, J. F. Flow, W. W. Walden, Monroe, N. C.; Walter Belk, Alton, N. C.; J. C. Hasty, Marshville, N. C.

This the 21st day of February, 1899.

OLIVER H. DOCKERY,
Per OSCAR J. SPEARS, *Attorney.*

Served February 23, 1899, by delivering a copy of this notice to John D. Bellamy, contestee.

WALTER G. McRAE, *Sheriff.*

Pursuant to the annexed notice to John D. Bellamy, contestee in the above-entitled cause, of the taking of the depositions or testimony of the following-named witnesses for contestant, to wit: C. S. Helms, S. M. Secrest, J. D. A. Secrest, George E. Flow, John J. Hasty, L. L. Fincher, T. L. Love, E. W. Belk, C. R. Moser (col.), John W. Hasty, J. Z. Greene, G. W. Flow, J. F. Flow, W. W. Walden, Walter Belk, and J. C. Hasty, I, J. W. Steen, a notary public, resident in the Sixth Congressional district of North Carolina, under authority of law conferred on me by section 110 of the Revised Statutes of the United States, on the 27th and 28th days of February, 1899, in the town of Monroe, North Carolina, both Oliver H. Dockery, contestant, and John D. Bellamy, contestee, being present by their attorneys, proceeded to take the depositions of the following witnesses for contestant, named in the notice aforesaid, to wit: S. M. Secrest, J. D. A. Secrest, George E. Flow, John S. Hasty, L. L. Fincher, John W. Hasty, and J. C. Hasty; which said depositions are hereto attached.

Witness my hand and notarial seal this February the 28th, 1899.

[SEAL.]

J. W. STEEN, *Notary Public.*

GEO. E. FLOW, being duly sworn, deposes and says:

(The contestee, entering a special appearance by Campbell Williams, attorney, objects to J. W. Steen, serving as commissioner to take testimony in this cause, on the grounds that said J. W. Steen is a witness in said cause, and offers a copy of subpoena for said J. W. Steen in said cause in evidence, said copy being marked Exhibit A.)

Q. How old are you, and where do you reside?—A. How old, 32; residence, Monroe, N. C.

Q. What is your politics?—A. Republican.

Q. What is your business?—A. I am at the present a guano inspector.

Q. Will you state what you know about the intimidation practiced by the Democratic leaders and their adherents on Republican and Populist voters in Union County during the campaign of 1898, on the day of election of that year, and give any facts appearing to you after said day of election indicative of said intimidation practiced before the election.

(Question objected to by contestee.)

A. Well, for reasons best known to myself, I decline to be further examined.

Q. Will you state why?—A. The feeling against me during the campaign was very bitter, and having been away from home the larger part of the time since the election, I do not know that the feeling has abated. During the campaign numerous rumors of lynching came from over the border of South Carolina. Well, I was also waited upon by a committee of one, who said that he was spokesman for a considerable delegation and told me to either keep my mouth shut or get out of the town. Threats of putting me in a cage and shipping me from the State was also indulged in.

Cross-examination:

Q. Were you prevented from voting at the last election by any threats or violence alleged above?—A. I was not prevented from voting, but did feel some alarm for my personal safety. (Further than this the witness declines.)

Q. Who was the person styling himself as committeeman, who you say waited on you, and whom did he claim to represent?—A. I decline to give names at this place.

GEO. E. FLOW.

(The witness, Geo. E. Flow, having been subpoenaed by the contestant, and having declined to answer questions propounded to him by contestant's attorneys for reasons given by himself, the contestant reserves the right to subpoena according to law the said Geo. E. Flow, after due notice has been given the contestee to testify in the matter of this contest at a place to be hereafter selected by the contestant himself, or his attorneys.)

The contestee reserves all rights of civil criminal procedure against the witness, G. E. Flow, under section 116 of the Revised Statutes of the United States.)

Subscribed and sworn to before me this 27th day of February, 1899.

[SEAL.]

J. W. STEEN, Notary Public.

EXHIBIT Q.

To the sheriff or other lawful officer of Union County, greeting:

You are hereby commanded to summons J. W. Steen to appear personally before me, a notary public in said county, at the Central Hotel, in the town of Monroe, N. C., at 9 o'clock a. m. on the 27th day of February, 1899, to give evidence in a certain matter now depending before said notary public, and then and there to be heard, between Oliver H. Dockery, contestant, and John D. Bellamy, contestee. Hereof fail not, under penalty prescribed by law, section 110 of Revised Statutes of the United States.

Witness my hand and notarial seal, February 25, 1899.

[SEAL.]

J. MASSEY TERRELL, Notary Public.

I, J. Massey Terrell, notary public in and for Union County, State of North Carolina, do hereby certify that the foregoing is a true copy of a subpoena for J. W. Steen, issued by me, as notary public, in the matter of taking deposition in the case of Oliver H. Dockery, contestant, vs. John D. Bellamy, contestee, requiring said J. W. Steen to depose in said cause.

Witness my hand and notarial seal this the 25th day of February, 1899.

[SEAL.]

J. MASSEY TERRELL, Notary Public.

I hereby accept the service of the within subpoena, February 27, 1899.

J. W. STEEN.

J. C. HASTY, being duly sworn, deposes and says:

(The contestee objects to deposition of this witness being taken, on the grounds of: Legal notice was not given said contestee of the place at which deposition of said witness would be taken.)

Q. Please state your name, age, and place of residence.—A. Sixty-six; Jesse Caswell Hasty; Marshville, Union County.

Q. What is your politics?—A. Republican.

Q. State the name of your voting precinct.—A. Marshville.

Q. State if you know of any fraud practiced by the supporters of the Democratic party, or proposed to be practiced by said party in the election of 1898, in Union County.

(Question objected to by contestee.)

A. Well, I was bantered to sell out. They asked me what I would sell out for. I told them I was not for sale. They said they would like to get me over on the right side. I told them I thought I was already on the right side. At another time they

offered me \$50 as campaign money. They said for that purpose there was campaign money there. The \$50 was to carry the Nash precinct.

(Answer objected to by the contestee.)

Q. Do you know, after talking with Republican leaders, of any intimidating methods or violence practiced by the leaders of the Democratic party, by which Republican and Populist voters, white and black, were made afraid to go to the polls and vote?

(Question objected to by contestee.)

A. No.

Cross-examination:

Q. Did you sell out, according to the alleged proposal?—A. No, sir.

Q. Where did you live at the time of the election?—A. I lived at Marshville. The population ranges between 400 and 500.

Q. What was the politics of the different persons who served as judges of the election at Marshville precinct?—A. I think it was all the parties, Republicans, Democrats, and Populists.

Q. Which party, in your opinion, canvassed the county of Union more thoroughly, the Democratic party, on one side, or the Populist and Republican party, on the other?

(Question objected to by contestant.)

A. Well, I think the Democrats.

Q. Did you vote in the election of 1898?—A. Yes, sir.

Q. Do you know, of your own knowledge, of any person having a right to vote having, because of any attempt or intimidation, been prevented from voting in the election of 1898, in Union County?—A. No, sir.

Q. Was there not some dissatisfaction upon the part of former Populists and Republican voters with the effect of fusion rule, in Union County?

(Question objected to by contestant.)

A. I think there was, sir.

J. C. HASTY.

Subscribed and sworn to before me, this 27th day of February, 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

JOHN W. HASTY, being duly sworn, deposes and says:

(Contestee objects to the deposition of this witness being taken for that legal notice of the place at which such deposition would be taken was not given contestee.)

Q. What is your age and residence?—A. My residence is Marshville; my age, 36 years.

Q. What is your politics?—A. Republican.

Q. In what township do you reside?—A. Marshville.

Q. What is your business?—A. I am a division deputy collector of internal revenue.

Q. Did you hear any Democratic candidates make speeches in your township or any other portion of the county during the campaign of 1898?

(Question objected to by contestee.)

A. Yes; I heard several.

Q. Did you hear those candidates publicly in their speeches advise Democratic landowners of the sections in which those speeches were made, as to the manner in which they should treat those tenants who would not agree to vote the Democratic ticket? If so, please state in detail.

(Question objected to by contestee.)

A. Two or three of the speakers in making their speech, they advised the landowners if the darkies would not vote the ticket, either make them stay at home or run them off the place.

(Answer objected to by contestee.)

Q. Do you know anything of any effort at bribery by any Democratic leaders or voters in this county during the campaign of 1898?

(Question objected to by contestee.)

A. Yes. A party came to me a few days before the election, told me he had \$50 of campaign money, and he said he had made my father a proposition to give him this \$50 if he would carry his precinct Democratic. He went on to state that my father refused to take it and that if I would get him to take the bribe that he would get them to add \$25 more to it. A few days later another party came to me and told me to see my father and tell him to name the amount as to what he would charge to use his influence.

(Answer objected to by contestee.)

Q. Do you know from conversation or communication with Republican and Populist leaders in your section and various sections in the county, that Republican and

Populist voters were generally intimidated, and that the methods practiced by the Democratic organization of the county and other Democratic leaders caused numerous Republican and Populist voters to remain away from the polls and refrain from voting their ticket?

(Question objected to by contestee.)

A. Yes; I heard it talked amongst the darkies that it was rumored that Democrats were going to have red shirts from South Carolina at the voting places and all that didn't vote the Democratic ticket would be shot or run off from the election. Something to that amount; not in those words.

(Answer objected to by contestee.)

Cross-examination:

Q. Did you or your father accept the alleged proposal to bribe you to carry the Nash precinct, or any other precinct, as testified by you in your direct examination?—A. No, sir; did not.

Q. Do you know of your own knowledge of any voters in Union County, or any person having a right to vote, having been prevented from voting in the election of 1898 by reason of any attempt at intimidation or intimidations?—A. I think I do. Well, I heard two or three of the Democratic merchants there on the day of election talking to some parties who had been accustomed to voting the Populist and Republican ticket tell them they could not afford to advance supplies to a man who would vote against their interest. They were not debarred from voting, but they had always been accustomed to voting the Republican ticket, and voted the Democratic ticket this time.

Q. Do you know of your own knowledge that what those merchants said to the voters in question was the cause of their voting the Democratic ticket?—A. No.

Q. Was there not considerable dissatisfaction among the former Populist and Republican voters in Union County with fusion rule in Union County and North Carolina?—A. There was some.

(Question and answer objected to by contestant.)

Q. Was there not considerable dissatisfaction on the part of Populist and Republican voters in Union County with the record of the Hon. Charles H. Martin, then Congressman from the Congressional district in which Union County is situated?

(Question objected to by contestant.)

A. I heard some.

(Answer objected to by contestant.)

Q. Did you vote in the election referred to, to wit, 1898, in Union County?—A. Yes.

Q. Did the Democratic party on the one hand, or the Populist and the Republican party on the other hand, make the more thorough canvass of Union County in the campaign of 1898?

(Question objected to by contestant.)

A. I think the Democrats made the more.

JOHN W. HASTY.

Subscribed and sworn to before me this 27th day of February, 1899.

[SEAL.]

J. W. STEEN, Notary Public.

S. M. SECREST, being duly sworn, deposes and says:

(The contestee objects to following-named witnesses, to wit, C. S. Helms, S. M. Secrest, J. D. Secrest, John S. Hasty, L. L. Fincher, T. L. Love, E. W. Belk, C. R. Moser, J. Z. Greene, G. W. Flow, J. F. Flow, W. W. Walden, Walter Belk, deposing at the present time in this cause for that legal notice was not served upon the contestee as to the place where the depositions of the said witnesses should be taken, and it is agreed by counsel for contestant and contestee that objection at this stage shall be as effectual as if made in the separate depositions of each of said witnesses.)

Q. What is your age and residence?—A. I don't know whether I am quite 53 or not; my residence is about 3 miles from here in the country.

Q. What is your politics?—A. Republican.

Q. You mean by that that you supported a ticket nominated and agreed upon by the Republican and Populist parties?—A. Yes.

Q. What township are you from?—A. Monroe Township.

Q. Did you hear Senator Tillman make a speech in Monroe during the campaign of 1898?

(Question objected to by contestee.)

A. Yes.

(Answer objected to by contestee.)

Q. What advice did he give to Democratic leaders in Union County about the use of Winchester rifles in carrying the election?

(Question objected to by contestee.)

A. I think he said red shirt and Winchester rifles was more important than the ballot box; he said a great many things.

(Answer objected to by contestee.)

Q. Did you hear the speech the Hon. John D. Bellamy, Democratic candidate for Congress, the contestee in this case, made at Stouts during the campaign?

(Question objected to by contestee.)

A. I did.

(Answer objected to by contestee.)

Q. Will you state in detail what he said about the use of Winchester rifles in Wilmington and surrounding country?

(Question objected to by contestee.)

A. I thought he made the most vindictive speech I ever heard in a free country. He said: "We are going to carry the State." He said: "We are going to carry it." He said the citizens in his town, Wilmington, had already ordered and armed themselves with 3,000 Winchester rifles, and had one or two sentinels at all the public squares and corners; at the first gathering of a crowd they were going to shoot the negroes down; said they were going to do it. I said: "Mr. Bellamy, if you have got that many you can carry the city without that, can't you? Ain't that the majority?"

(Answer objected to by contestee.)

Q. Did you, during the campaign, hear statements publicly made by leading Democrats of the town of Monroe, county of Union, that if they could not carry the election by ballots they would with bullets?

(Question objected to by contestee.)

A. Can't say about the bullet part; they used most any expression.

Q. Were you an election officer at the election in your precinct?—A. I was registrar at Tyndall precinct, Monroe Township.

Q. Do you know that threats were made by merchants in this county, and these threats were generally understood by both white and black in your section, that supplies would not be furnished them if they voted the Republican or Populist ticket?

(Question objected to by contestee.)

A. Not supplies; they would not wait on them for what they had bought.

(Answer objected to by contestee.)

Q. Do you mean by that that threats were made, and they were so understood by these voters, if they voted the Republican or Populist tickets that mortgages would be foreclosed and other debts pressed to collection?

(Question objected to by contestee.)

A. That was common, very common. I could state this, that there was hardly a renter or cropper in my precinct who voted a Fusion ticket who did vote that ticket two years ago.

(Answer objected to by contestee.)

Q. Did you find, in working up the fusion vote during the last campaign, that because of these threats it was impossible to get the fusion forces organized and very difficult to get many of the voters to the polls?

(Question objected to by contestee.)

A. Yes; because of these threats and others we could not carry the same strength we could two years ago. In 1898 we lost over 100 votes in the same precinct.

(Answer objected to by contestee.)

Q. Will you state the other threats you refer to?

(Question objected to by contestee.)

A. One was, they come out there with a list, challenged pretty nigh every negro that was on the registration book; had some crime or another marked against him. That was on the morning of the day of election. Their instructions was to read over his name and crime in front of his name. That happened, I think, about 10 o'clock. Negro voting after that scarcely none; lost 50 votes out of 72, and about 40 Populists.

(Answer objected to by contestee.)

Q. Were these voters challenged on the day of challenge as prescribed by law?—

A. No; only challenged 4; withdrew them afterwards.

(Question and answer objected to by contestee.)

Q. You mean to say that when one of these colored voters tendered his ballot that this list was read to him with his name, and the crime stated to him with which he had been charged?

(Question objected to by contestee.)

A. That is about the way they practiced it.

(Answer objected to by contestee.)

Q. Will you explain the influences that were brought to bear upon the 40 Populists who left the polling place?

(Question objected to by contestee.)

A. They didn't come.

Q. These 40 Populists resided in the section through which the threats above referred to were circulated, did they not?

(Question objected to by contestee.)

A. Same precinct.

(Answer objected to by contestee.)

Q. Were there not threats generally circulated against the lives of some leading Republicans in the county, such threats as the following: That they would be lynched if they did not desist from party work?

(Question objected to by contestee.)

A. I heard something; I heard them talk about Mr. Steen. I think, as well as I recollect, Mr. Steen himself asked me if I thought there was any danger; said his wife did not want him to go out of the house after dark. I told him I did not think there was any danger. They talked of boxing Mr. Flow up and shipping him away.

(Answer objected to by contestee.)

Q. Did you know of any special efforts in any precinct of any township in your section to prevent citizens from registering?

(Question objected to by contestee.)

A. None, only where they live on the line—the precinct line.

(Answer objected to by contestee.)

Q. Do you know, by conversation or other communication with various citizens in the county, that because of these threats about which you have spoken and other methods of intimidation practiced by the Democratic party in Union County during the campaign of 1898, that many Republican and Populist voters were prevented from voting at all, and others were made to vote the Democratic ticket against their will?

(Question objected to by contestee.)

A. I think that is tolerably true.

(Answer objected to by contestee.)

Cross-examination:

Q. Which party—the Democratic on the one hand, or the Republican and Populist on the other—had majority of the judges of election at Tyndall precinct?—A. I think the Democrats had it. Of course, we had it, but our men did not come. I deputized two more men; one stayed, one didn't; and he voted the Democratic ticket before the polls closed.

Q. Was there not some dissatisfaction among the Populists and Republican voters in Union County last campaign with previous fusion rule in Union County, N. C.?

(Question objected to by contestant.)

A. None, after they fused, except the negro racket.

Q. What do you mean by the dissatisfaction about the negro racket?

(Question objected to by contestant.)

A. They made the poor white people think that they and the negro would be made equal, would have to go to school together, etc.

Q. Did the poor white people believe in it?—A. They told me so. Mr. Bellamy told Wingman Helms if they didn't vote the Democratic ticket his children and nasty, snotty-nosed little niggers would be going to school together in two years from now. That was when he went above there to make a speech. He hollered and told him. It so frightened Wingman that he did not stay at home at night.

Q. Who did the most canvassing in Union County, Dockery or Bellamy?

(Question objected to by contestant.)

A. I can not say; I don't know how many speeches they made. I heard them both, twice each.

Q. What Democrats were present at the speech in which you say that Bellamy used the remarks about Winchester rifles?—A. Well, Jule Younts was there, if he was listening. There was a good many out; don't know who all; I think Charlie Laney. John D. Bellamy was there; he will testify to it.

Q. Who had the list of negro voters, with crimes they were charged with, as alleged by you in your direct examination, at Tyndall precinct?—A. I had it in my hands myself to look at. Some of the registration board had it.

Q. Which one of the registration board had the list?—A. I don't know which had it; we all looked at. I don't know which had it, Mr. Stitt or Bob Howie.

Q. Who read out from the list mentioned the name of the voter and the crimes with which he was charged?—A. My recollection is, they tried to get Jennings Secrest; I think it was him. He got tired and quit. There was not many of that class voting after that.

Q. Did Jennings Secrest read out, from the list mentioned, publicly the name of any voter, with any crime with which he was charged?—A. They would take that document and look at it privately, and say to the fellow, "You have been convicted here, and will be indicted if you vote." I says, "What is the crime you charge him with?" I says, "What do you understand a crime to exist of before you can keep him from voting?" They said, "Anything; any crime they found him guilty of."

I said, "I don't think so; felony is the crime which takes away the life." The thing ceased after that; they got scared.

(Answer objected to by contestee as not a reply to the question asked witness.)

Q. Will you or will you not, Mr. Secrest, answer the question whether Jennings Secrest read out publicly, on the morning referred to, the name of any voter from said list, any crime of which he was charged?—A. I am not positive who was exhibiting the paper. Two or three negroes went off and did not vote; one came back and said he would risk it.

Q. Are you well acquainted with the voters in Tyndall precinct?—A. Not all; a great many new ones; about 100 transfers.

Q. Do you remember the name of a single person who, on the election morning referred to, read out aloud any name on the list mentioned or any crime thereon charged?—A. I don't recollect who read out; there was several engaged in it. I had charge of the State box, and was defending our side, and I could not take notice of everything that transpired.

Q. Do you remember the name of a single voter at the precinct mentioned who was prevented from voting by reason of his name and any crime of which he was charged being read out to him from the list mentioned above?—A. There were three negroes; I do not remember their names.

Q. Did you see the list referred to on election day or before election day?—A. Mr. Parker brought one on challenge day, and I saw another on election day.

Q. Do you mean to say that any of the officers holding the election read out to any voter his name and the crime with which he was charged from that list on election day?—A. I think Mr. Bob Howie claimed that was his duty.

Q. Did the Populist and Republican party have workers present at this precinct?—A. I could not say positively; I was busy at the polls; I reckon they did; I recollect one man furnishing tickets. They let pretty much everybody vote as they pleased; but it was not so with the other side.

Q. Did the Democrats present at the precinct mentioned above use force on election day to influence voting?—A. No; I did not see any violence. They did their work before election day. I saw one negro come there to vote. A man talked to him a while, and he went away without voting. The negro told me afterwards the reason, which was he would be indicted if he voted.

Q. Who was the negro, and for what did he say he would be indicted?—A. I think his name was Sandy Curlee, and said he had been indicted for some crime.

Q. Who was the man who talked to him?—A. Mr. O. P. Heath.

Q. Did you hear talk of any threats against any Republican leaders of lynching them, except of in what you have related as in the conversation with Mr. Steen?—A. Not any other that I recollect.

Q. Did you vote on the election day mentioned above?—A. Yes; I voted.

Q. Did you hear in person any merchants of the town of Monroe, Union County, say they would foreclose mortgages or press collection against their customers who did not vote the Democratic ticket?—A. I did not in person.

S. M. SECREST.

Sworn to and subscribed February 28, 1899.

[SEAL.]

J. W. STEEN, Notary Public.

(Counsel for contestant, answering the objections of the counsel for the contestee heretofore filed against contestant's notice of taking depositions, in that it did not state definitely the place of taking said depositions, allege that not only no prejudice to the contestee's case had been shown in said objection, but that, on the contrary, full and ample opportunity had been given to the contestee to cross-examine any and all witnesses.)

L. L. FINCHER, being duly sworn, deposes and says:

Q. What is your name and residence?—A. Age, 38; residence, Waxhaw.

Q. What is your business?—A. Postmaster and running a business.

Q. What is your politics?—A. Republican.

Q. What township do you live in?—A. Jackson.

Q. What township did you vote in last election?—A. Buford.

Q. After voting in Buford township where did you go?—A. I went by the polling place of Jackson back to Waxhaw.

Q. While at the polling place in Jackson township did you have conversation with a number of citizens of that township as to their not voting?

(Question objected to by contestee.)

A. Yes; I stopped and talked some time. There were several Populists who told me they were not going to vote at all; that they had raised the negro racket and intimidated them. There were several darkies that I expected to vote the Republican ticket that said they were not going to vote; that they would be closed down on and sold out; were afraid to vote at all.

(Answer objected to by contestee.)

Q. Do you know, from conversation or other communication, the various parties in your section of the county, among whom threats were circulated during the campaign of 1898, in which it was stated that Citizens, Populist, or Republican tickets would have their business closed down and any mortgages on their property foreclosed?

(Question objected to by contestee.)

A. I heard of a good deal of it.

Q. Is your township in the southern portion of the county?—A. It borders on the State line.

Q. In what portion of the county is Marshville township?—A. The eastern.

Cross-examination:

Q. Was there not considerable dissatisfaction among the colored voters of Jackson township because the Populists refused to fuse with the colored voters on a ticket for magistrates and constable?

(Question objected to by contestant.)

A. Some dissatisfaction.

Q. Do you know how the number of votes cast in the election of 1898, in Jackson township, compared with the number cast in the next preceding election?

(Objection to by contestant.)

A. I do not know.

Q. Which party, the Democratic on one hand or the Populist and Republican on the other, canvassed Jackson the more thoroughly?

(Objection to by contestant.)

A. I don't know which; both canvassed it thoroughly.

Q. Give the names of the voters, if you know any, who stated to you that they were prevented from voting in the election of 1898 in Union County because they were intimidated?—A. I could not tell the names; I did not ask their names; several came to me and told me about it.

Q. Can you name a single such voter?—A. Hugh Craig, colored. He said a Democratic magistrate was on his bond and he would not vote because he would withdraw from the bond. The post-office of Hugh Craig is Waxhaw. This is all the name I can recall.

Q. Was there not before the campaign of 1898 considerable dissatisfaction among both white and colored Populist and Republican voters of Union County with fusion rule in Union County and North Carolina?

(Objection to by contestant.)

A. I don't think there was much dissatisfaction.

Q. Were not the colored voters in Jackson township dissatisfied because colored men had been removed from charge of the colored schools by previous legislature and white men had been appointed in their places?

(Objection to by contestant.)

A. Very few objected.

Q. Did you witness any acts of violence or intimidation at either polling place referred to above when you were present at them on election day?—A. No.

Q. Did the Democratic party have a majority of the judges of election at either of the polling places mentioned above?—A. Do not know about Jackson; they did not in Buford.

Redirect examination:

Q. Was not the dissatisfaction referred to in your cross-examination on the part of negroes because the Populists refused to fuse with them on constables and magistrates confined largely to county and township candidates?—A. I think it was.

L. L. FINCHER.

Subscribed and sworn to before me this the 27th day of February, 1899.

[SEAL.]

J. W. STEEN, Notary Public,

JOHN S. HASTY, being duly sworn, deposes and says:

Q. Please state your name, age, and residence.—A. John S. Hasty; 35 years old; Monroe.

Q. What is your politics?—A. Republican.

Q. What is your occupation?—A. Postmaster at Monroe.

Q. State any official position you may have held in the Republican party during the campaign of 1898.—A. Acting chairman of the Republican executive committee of Union County.

Q. Do you know of your own knowledge or from communication with others, leaders of the Republican party or otherwise, of any intimidating methods practiced by the leaders of the Democratic party in Union County during the campaign of 1898?

(Question objected to by contestee.)

A. I got information verbally and one letter that negro voters in the southern part of the county next to the South Carolina line were afraid to hold meetings and to organize because someone had told them that the Red Shirts from over the line in South Carolina would come to the meetings and whip them.

(Answer objected to by contestee.)

Q. State what effect these reports had in organizing the voters of the Republican party during the campaign of 1898.—A. The effect was that they didn't organize.

(Answer objected to by contestee.)

Q. State any threats that you may have heard as being made against white Republican leaders by the Democratic party or the leaders thereof during the campaign of 1898.

(Question objected to by contestee.)

A. I heard that some parties were talking of coming up here and lynching Mr. Steen, Mr. Flow, and myself.

(Answer objected to by contestee.)

Cross-examination:

Q. Were Republican and Populist speakers prevented from speaking in Union County during the campaign of 1898 by the Democrats?—A. Not that I know of.

Q. Did, as a matter of fact, Democrats or Red Shirts from South Carolina break up, or attempt to break up, by their presence and with use of force any meetings of Republican and Populist voters to organize in Union County in the campaign of 1898?—A. Not that I know of, for in these places adjoining the South Carolina line they held no meetings to my knowledge.

Q. Is it not contrary, according to civil-service rules, for an officer in your position to take an active part in politics?

(Question objected to by contestant.)

A. I think it is.

Q. Which party—Democratic party on one hand or the Populist and the Republican party on the other—worked the harder and made the more active canvass in Union County during the campaign of 1898?

(Question objected to by contestant.)

A. Well, I suppose the Democrats made the most speeches with the local speakers, though the Populists were very active, and informed me they canvassed the county thoroughly.

Q. Which party—the Democratic party on the one hand or the Populist and the Republican party on the other—had the more local clubs of workers and voters throughout Union County in the campaign of 1898?

(Question objected to by contestant.)

A. I suppose the Democrats had the most clubs.

Q. Did the Republican party have as many Republican speakers to address the voters of Union County as in the campaign of 1896?

(Question objected to by contestant.)

A. No, sir; not quite as many, though we had several good speeches.

Q. From whom did you hear of the threats that South Carolinians were talking of lynching Mr. Steen and others?—A. I heard it from Mr. Steen, Mr. Flow, and Mr. Tom Love, and probably Mr. E. W. Beek.

Q. Which Congressional candidate, Bellamy or Dockery, made the more thorough personal canvass of Union County in the campaign of 1898?—A. I don't know anything about the personal canvass; Mr. Bellamy was in the county longer.

Q. Did the communications these persons made to you prevent you from working for and voting the Republican ticket?—A. No, sir.

Redirect examination:

Q. What was the nature of the campaign made by the Democratic party in 1898 as compared to the campaign made by the Republican and Populist parties?

(Question objected to by contestee.)

A. It was a very exciting campaign; feelings ran high.

J. S. HASTY.

Subscribed and sworn to before me this 28th day of February, 1899.

[SEAL.]

J. W. STEEN, Notary Public.

J. D. A. SECREST, being duly sworn, deposes and says:

Q. Please state your name, age, and place of residence.—A. Monroe township is where I live; I was born in '47—52 years old to-day.

Q. What is your politics?—A. Well, I reckon you will have to put me down as Republican; I don't reckon I am anything else; I am not ashamed of it, either.

Q. State what part you took in the campaign of 1898.—A. I was a candidate for the treasurer's office for Union County.

Q. State if you heard the Hon. John D. Bellamy, contestee in this case, make a speech, or speeches, in Union County during the campaign of 1898.

(Question objected to by contestee.)

A. Yes, I heard him at the schoolhouse, the north end of Monroe township, and heard him at Redbanks schoolhouse in Vance township, I believe.

(Answer objected to by contestee.)

Q. State anything he may have said in either of said speeches as to the methods must be used by the Democratic party to carry the election of 1898.

(Question objected to by contestee.)

A. Well, he said a great deal; I can't recollect all he said; I know he said one thing: "We must carry the election; if we can't carry it one way we must another. This is a white man's country and we allow to rule. We have already bought 3,000 Enfield or Winchester rifles in Wilmington and have got two sentinels on each square to give the alarm if anything necessary for us to use them." That is about the language he used, as near as I can give it.

(Answer objected to by contestee.)

Q. State if the speech above referred to was not a violent one, and calculated to intimidate the voters of the opposing party and especially the negroes.

(Question objected to by contestee.)

A. I would think it was. It did not intimidate me. There was several men who intended to vote the Republican or Fusion ticket did not vote; said they were not going to vote if they had to have a row. I do not know that is the reason why they did not vote.

(Answer objected to by contestee.)

Q. State whether the reference as to the methods to be used by the Democratic party referred to above met the approval of the partisan supporters of the said Bellamy who were present and heard said speeches.

(Question objected to by contestee.)

A. I couldn't say. From their actions it appeared that it did. They cheered and hollered.

(Answer objected to by contestee.)

Q. State if you know, after talking with Republican leaders and Republican voters, of any intimidating methods practiced by the Democratic party in Union County during the campaign of 1898.

(Question objected to by contestee.)

A. I heard of, talked a great deal of; I don't know whether it is facts or not; personally I don't know of any.

(Answer objected to by contestee.)

Q. Did you hear or know of red shirts coming into the county or threatening to come into the county for the purpose of carrying the Democratic ticket?

(Question objected to by contestee.)

A. I don't know it; I heard it rumored among the people; I wasn't afraid of it; red shirts or black ones.

(Answer objected to by contestee.)

Q. State what effect the methods employed by the Democratic party stated above had upon the Republican organization in Union County.

(Question objected to by contestee.)

A. Well, I think it would tend to weaken it; I found it difficult to organize the party.

Q. State anything else you may wish regarding this case.

(Question objected to by contestee.)

A. Well, I was at the election ground; there was a man who said he come there to vote, and if he couldn't get to vote as he pleased he wouldn't vote at all. I don't know whether he voted or not; afterwards I saw him and another man drinking from a bottle.

(Answer objected to by contestee.)

Q. What effect did the political situation in this county, stated by you above, have upon your family?

(Question objected to by contestee.)

A. I have no family but a wife; after reading the public papers she was very excited; she insisted that I should not go out in the campaign as a candidate, she didn't think I would be safe; I was not afraid to go myself.

(Answer objected to by contestee.)

Cross-examination:

Q. Did you, in company with other Populist and Republican candidates, canvass Union County and addressed the people publicly?—A. Yes, we were all together.

Q. Were you, or any of the other speakers who were with you, offered any personal violence by Democrats in the county canvass?—A. No, sir; I don't know as we were.

Q. Are you a man of more than ordinary firmness?

(Question objected to by contestant.)

A. If I feel anything my duty, I will try to do it regardless of fear or favors. I don't hold myself above other men.

Q. You stated in your direct examination some alleged remarks of John D. Bellamy; where did Bellamy use those remarks?—A. I think he used it at Redbanks, and I know he used them at the Fowler or Secrest schoolhouse in this township.

Q. What Democrats were present at Bellamy's speech referred to as at the Fowler or Secrest schoolhouse?—A. I could not see who was there; they did not honor him with lights; I did not see any Democrats; all claimed to be Fusionist but voted the other way afterwards. Mr. Pointer was with Mr. Bellamy.

Q. Were you present and did you vote at Tyndall precinct, Union County, in the election of 1898?—A. Yes.

Q. Do you know whether the Democratic party on the one hand or the Populist and the Republican on the other had a majority of the registrars and judges of election at that precinct in that election?—A. I don't believe I could tell you. I believe they were about equally divided. I did not inquire into it and did not look after it.

Q. Did you witness there at that time any breach of the peace calculated to intimidate voters?—A. I didn't see anything; only just heard the remark referred to above.

Q. What was the name of the voter referred to as making the remarks at that precinct, stated in your direct examination?—A. The two first letters of his name is Ebe Helms.

Q. Do you remember the place or places, time or times, at which Red Shirts came to Union County?—A. I don't know as I do.

Q. Give the names of the voters referred to in your direct examination as having said in effect that they intended voting the Populist or Republican ticket, but would not go to the polls unless they could not vote without a row.—A. Well, I heard one man, Wilson Helms, say so; I heard a man, Deese, say so; he lived in my neighborhood; my impression is it was Hugh Deese. Don't know of any other.

J. D. A. SECREST.

Subscribed and sworn before me this 28th day of February, 1899.

[SEAL.]

J. W. STEEN, Notary Public.

The contestee, J. D. Bellamy, hereby objects to the foregoing depositions of S. M. Secrest, J. D. A. Secrest, G. E. Flow, J. S. Hasty, J. C. Hasty, J. W. Hasty, L. L. Fincher being accepted as evidence in the case of O. H. Dockery, contestant, v. J. D. Bellamy, contestee, for that one Lee Griffin and one L. Z. Williamson acted as clerks in taking down the questions and answers in said depositions without first being sworn to make true and correct entries of said questions and answers and without being sworn in any manner whatsoever to perform their duties faithfully.

Oliver H. Dockery, contestant, answering the above objection of John D. Bellamy, contestee, asking that the depositions of S. M. Secrest, J. D. A. Secrest, G. E. Flow, J. S. Hasty, J. C. Hasty, J. W. Hasty, and L. L. Fincher be not accepted as evidence in said cause for the reason that Lee Griffin and L. Z. Williamson acted as clerks in taking down the questions and answers in said depositions without first being sworn to make true and correct entries of said questions and answers and without being sworn in any manner to perform their duties faithfully, says that the said Lee Griffin and L. Z. Williamson, clerks aforesaid, acted for and at the request of J. W. Steen, notary public who took said deposition, and not as the clerks of Oliver H. Dockery, contestant, and that said Lee Griffin and L. Z. Williamson acted as clerks aforesaid without objection on the part of John D. Bellamy, contestee, or his attorney, Frank Annfield, who was present all during the time of the taking of said depositions, and that the questions proposed by the parties in this cause and the answers thereto were reduced to writing in the presence of J. W. Steen, notary public aforesaid, and in the presence of the parties hereto or their attorneys, and that the said depositions were duly attested by said witnesses after said questions and answers had been entered by the said Lee Griffin and L. Z. Williamson in the presence of the parties aforesaid.

The contestee, J. D. Bellamy, hereby objects to the foregoing depositions of S. M. Secrest, J. D. A. Secrest, G. E. Flow, J. S. Hasty, J. C. Hasty, J. W. Hasty, L. L. Fincher being accepted as evidence in the cause of O. H. Dockery, contestant, versus J. D. Bellamy, contestee, for that the form of oath administered to each of said witnesses upon their proceeding to testify was as follows: "You solemnly swear that in this case in which Oliver H. Dockery is contestant, and John D. Bellamy is contestee, the evidence you shall give shall be the truth and nothing but the truth, so help you God." Although attention was passingly called by the counsel of the contestee to the omission of the words, "the whole truth," whereas contestee is advised and believes that the form of oath so administered with such omission is insufficient.

I, J. W. Steen, notary public, resident in the Sixth Congressional district of North Carolina, do hereby certify that the foregoing are depositions of S. M. Secrest, J. D. A. Secrest, Geo. E. Flow, John S. Hasty, L. L. Fincher, John W. Hasty and J. C. Hasty, witnesses for the contestant, together with the questions proposed by the parties or their agents and reduced to writing in the presence of said notary public and in the presence of the parties or their agents, taken in the above-entitled cause before me on the 27th and 28th days of February, 1899, in the town of Monroe, N. C.; and that prefixed to said depositions is a true copy of notice of contest and of the answer of the returned member, and that the notice to take said deposition with the proof of the service thereof, and a copy of the subpoena served on the witnesses thereon named, are attached to said depositions.

Witness my hand and notarial seal, this February the 28th, 1899.

[SEAL.]

J. W. STEEN, *Notary Public.*

Notice to take depositions.

To JOHN D. BELLAMY, *Contestee, Wilmington, N. C.*

SIR: You will take notice, that I will proceed to take testimony in the above entitled cause at Wadesboro, before J. W. Steen, notary public, beginning at 9 o'clock a. m. on Wednesday, the 1st day of March, 1899, and continuing from day to day if necessary. I will examine the following witnesses, namely: Jas. M. Flake, J. A. Flake, John Boggan (colored), R. P. Reinhart, Dr. A. A. Maynard, John R. Jerman, Wadesboro, N. C.; Hugh Johnson, John W. Pratt, Morven, N. C.; Jim Henry, Filesville, N. C.; J. L. Matheson, Rich Hammond, Wadesboro, N. C.; George Baucum, Press Nevins, Rev. John Davis, Gullidges, N. C.

This the 22d day of February, 1899.

OLIVER H. DOCKERY,
Per OSCAR J. SPEARS, *Attorney.*

Oliver H. Dockery, contestant, versus John D. Bellamy, contestee, Congressional contest, Fifty-sixth Congress, Sixth district, State of North Carolina.

Pursuant to the annexed notice, I, J. W. Steen, notary public, resident in the Sixth Congressional district, associated with W. L. Marshall, a notary public for Anson County, in said district, who sits as my associate, at the request of contestee, proceeded to take the depositions of Jno. Boggan, R. P. Rheinhardt, Dr. A. A. Maynard, Jno. W. Pratt, J. L. Matheson, Rich. Hammond, George Baucum, Press Nivens, witnesses for the contestant, at the court-house, in the town of Wadesboro, Anson County, N. C., on the 1st and 2d days of March, 1899, the contestant being represented by his attorney, R. L. Burns, and the contestee being represented by his attorneys, Messrs. Bennett & Bennett, James A. Rockhart, L. D. Robinson, and R. E. Little, which said depositions are hereto attached.

[SEAL.]

J. W. STEEN,
Notary Public.

[SEAL.]

WM. L. MARSHALL,
Associate Notary Public.

K. R. HAMMOND, being duly sworn, deposes and says:

Q. State your name, age, and residence.—A. K. R. Hammond; age, 36; residence, Wadesboro, N. C.

Q. What is your politics?—A. Republican.

Q. State if you know, of your own knowledge or from communication with others, or otherwise, any intimidation or intimidating methods practiced by the leaders of the Democratic party or by the Democratic party in Anson County during the campaign of 1898.

(Contestee excepts to this question.)

A. I do not.

Q. State if you know of any irregularities in Anson County at the election of 1898.—A. I do not.

Q. State if you know anything of any violence or fraud practiced by the Democratic party on the election day or during the campaign of 1898.—A. I do not.

Q. State if you know of the existence of a club or an association known as "Red Shirts" in Anson County or in any county in the Sixth Congressional district of North Carolina during the campaign of 1898.

(Contestee excepts to the question.)

A. Not in Anson, but in Richmond County and Robeson County I heard of such and read of such in the newspapers.

Q. What was the politics of the persons who told you of the existence of "Red Shirts" in Richmond and Robeson counties, and what was the politics of the newspapers from which you read an account of the same?

(Contestee excepts to question.)

A. I heard it from Republicans and Populists and read it in Republican, Democratic, and Populist papers.

(Contestee excepts to answer.)

Q. Was the fact of the existence of Red Shirts mentioned above in your answer generally known to Republicans and Populists in Anson County?

(Contestee excepts to question.)

A. Yes.

Q. State in brief what the Democratic papers mentioned in your answer above said of the workings of the Red Shirts.

(Contestee excepts to the question.)

A. The purpose of the Red Shirts was, as represented in the newspapers, was to carry the election by bulldozing and keeping voters away from the polls.

(Contestee excepts to answer.)

Q. In behalf of what political party in North Carolina did the Red Shirts work as you gathered from the newspapers stated above?

(Contestee excepts to the question.)

A. In behalf of the Democratic party.

(Contestee excepts.)

Q. State what effect the existence of Red Shirts in Richmond and Robeson counties had upon the negro voters of the Republican party in Anson County.—A. I can't tell.

K. R. HAMMOND.

Sworn to and subscribed March 1, 1899.

J. W. STEEN,
WM. L. MARSHALL,
Notaries Public.

G. W. BAUCUM, being duly sworn, deposes and says:

Q. What is your name, age, and residence?—A. G. W. Baucum; age, 34; residence, Gulleddges Township, Anson County.

Q. What is your politics?—A. Republican.

Q. State if you know of your own knowledge, or by communication with others, or otherwise, of an organization in Anson County, or in the Sixth Congressional district of North Carolina, known as "Red Shirts" during the campaign of 1898.

(Contestee excepts to question.)

A. Not any.

Q. State if you know of your own knowledge, or by communication with others, or otherwise, of any violence or intimidation or intimidating methods practiced by the leaders of the Democratic party or by the Democratic party before, during, or after the election of 1898.

(Contestee excepts to question.)

A. I can not tell of any used before the election or on election day. There was some intimidation used a few days after the election.

(Contestee excepts to answer.)

Q. State the intimidation after the election referred to in your answer above.

(Contestee excepts to question.)

A. That the Democratic party said that they would use every necessary means to prevent the Republicans elect of Gulleddges Township to serve as lawful officers.

(Contestee excepts to answer.)

Q. State if you were elected to any office in Gulleddges Township, in Anson County, at election of 1898.

(Contestee excepts to question.)

A. I was elected a justice of the peace.

Q. State if you are now serving as justice of the peace, and if not why not.

(Contestee excepts to question.)

A. I am not; I failed to qualify.

(Contestee excepts to answer.)

Q. State why you failed to qualify.

(Contestee excepts to question.)

A. I was elected upon by a Democratic committee of twenty, which committee stated should I qualify I would have to risk the consequences.

(Contestee excepts to answer.)

Q. Do you know of any other Republicans in your township or in Anson County duly elected to office at the election of 1898 who failed to qualify?

(Contestee excepts to question.)

A. I do. Preston J. Nivens, Gulledges Township, Anson County, elected justice of the peace; Henry McCormick, Gulledges Township, Anson County, elected constable Gulledges Township.

(Contestee excepts to answer.)

Q. State, if you know, why the persons elected to office whom you have named in your answer above did not qualify and serve.

(Contestee excepts to question.)

A. For the same reason that applied to myself.

(Contestee excepts to answer.)

Q. State, if you know of your own knowledge, or by talking with others, of any threats made by Democratic land owners against their tenants in Anson County if they voted the Republican ticket during campaign of 1898.

(Contestee excepts to question.)

A. I do not.

Q. If you know of any other facts that would be of advantage to the contestant in this case, state the same.

(Contestee excepts to the question.)

A. Not any.

G. W. BAUCUM.

Sworn to and subscribed March 1, 1899.

L. W. STEEN,
WM. L. MARSHALL,
Notaries Public.

JOHN BOGGAN, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. Jno. Boggan; age, 25; residence, Wadesboro.

Q. What is your politics?—A. Republican.

Q. State anything you may know of any act of bribery or attempt at bribery made by any Democrat of Anson County to obtain Republican votes during the campaign of 1898.—A. Some wanted me to vote the Democratic ticket, but I didn't. I voted the Republican ticket, and some offered me \$5.

(Contestee excepts to answer.)

JOHN (his x mark) BOGGAN.

Sworn to and subscribed March 1, 1899.

J. W. STEEN,
WM. L. MARSHALL,
Notaries Public.

P. J. NIVENS, being duly sworn, deposes and says:

Q. State your name, age, and residence.—A. P. J. Nivens; age, 32; residence, Anson County.

Q. What is your politics?—A. Republican.

Q. State anything that you may know of any threats or intimidations of your own knowledge, or by communication with others, practiced by the Democratic leaders and Democratic party against the opposing parties during the campaign of 1898, in Anson County.

(Contestee excepts to question.)

A. Well, sir, I felt a little intimidated on account of threats which I read in Democratic papers, by excited, hot-headed Democrats against negroes. I didn't make as strong fight for the Republican party as I would have made, on that account.

(Contestee excepts to answer.)

Q. Did you run for any office in Anson County during the campaign of 1898? If so, state what office.—A. I did—magistrate.

Q. Were you elected?—A. Yes, sir.

Q. Did you qualify, and are you now serving as a justice of the peace in Anson County?—A. I did not qualify.

Q. Why did you not qualify?—A. A Democratic committee of eighteen or twenty came to my house a few days after the election. I was not at home. They left a written document stating that if I should qualify I would have to take the consequences.

Q. Have you a copy of the notice left at your place, mentioned above?—A. I have.

Q. State if this is the original of the notice referred to.—A. Yes, sir.

(Here the original of said notice was introduced and a copy thereof, marked Exhibit A, was attached to this deposition.)

Q. State if G. W. Bancom and Henry McCormick, the other officers mentioned in said notice, qualified and served as officers in the places to which they were elected.

(Contestee excepts to the question.)

A. They did not.

(Contestee excepts to answer.)

Q. Why not?

(Contestee excepts to question.)

A. Because of the notice above stated.

(Contestee excepts to answer.)

Cross-examination:

Q. How long have you voted in Gullede Township?

(Contestant excepts to question as irrelevant.)

A. I have been voting in that township since 1894, including the election of that year.

Q. Were you a candidate in that township for any office in 1894 or 1896?

(Contestant excepts to question.)

A. I was not.

Q. Was G. W. Bancom (colored) a candidate in that township for any office in 1894 or 1896?

(Contestant excepts to question.)

A. He was, in 1896.

Q. For what office?

(Contestant excepts to question.)

A. Magistrate.

Q. Was he elected?

(Contestant excepts.)

A. He was.

Q. Did he qualify and serve as such?

(Contestant excepts.)

A. He did.

Q. Was Champ Marshall (colored) a candidate for any office in that township in 1896?—A. He was.

(Contestant excepts to question.)

Q. Was he elected, and did he qualify, and for what office?

(Contestant excepts to question.)

A. He was elected and qualified and served as magistrate.

Q. Did G. W. Bancom (colored) and Champ Marshall (colored) continue to serve as magistrates after their qualification in 1896 up to 1898.

(Contestant excepts.)

A. They did.

Q. Were you notified by the sheriff of Anson County, after your election as justice of the peace in 1898, to appear in Wadesboro on the first Monday in December, 1898, and qualify as justice of the peace?

(Contestant excepts.)

A. I was notified by the sheriff to that effect.

(At this point the attorney for the contestant asks that the questions and answers of the cross-examination from 1 to 10 be stricken out, as irrelevant and foreign to the issues in controversy.)

Q. You said in your examination in chief that in consequence of threats seen in Democratic papers you did not make as strong a fight for the Republican party as you otherwise would. Tell us, now, in what part of the Republican ticket you failed to make as strong a fight as you otherwise would?—A. All of it.

Q. How many votes were cast for you at that election in Gullede Township?—A. One hundred and eighty, I think.

Q. How many votes were cast at that election for Hon. O. H. Dockery for Congress?—A. I don't remember.

Q. Didn't he get more votes for Congress than you did for justice of the peace?—A. I don't know.

Q. Didn't he get more votes for Congress than George W. Bancom did for justice of the peace?—A. I don't know.

Q. Didn't Hon. O. H. Dockery lead the Republican ticket in the number of votes in that township in that election?—A. I don't know, sir.

Q. Didn't Mr. O. H. Dockery get in that election 202 votes for Congress, and didn't you get 180 votes?—A. I think I got 180 votes for justice of the peace, and I don't know how many Mr. Dockery got.

Q. Did he get more than you did?—A. I don't know, sir.

Q. Was Champ Marshall (colored) a candidate for justice of the peace at that election in Gullede Township?

(Contestant excepts.)

A. Yes, sir.

Q. How many votes did Champ Marshall (colored) get for justice of the peace in that township at that election?—A. I don't remember.

Q. Did he get as many votes at that election as you got for justice of the peace? (Contestant excepts.)

A. I don't think that he did.

Q. Do you know how many votes Robert J. Little (white) got for justice of the peace in that township at that election?

(Contestant excepts.)

A. I do not know, sir.

Q. Don't you know that Robert J. Little (white) beat Champ Marshall (colored) just 1 vote?—A. I don't know how much he beat him, but he beat him some, though.

Q. Explain to us if you can how it is that you didn't do your best for the Republican ticket, as you say, or any part of it, yet Colonel Dockery carried that precinct; George W. Bapcom (colored) was elected, but Champ Marshall (colored) was defeated?

(Contestant excepts to all that part of the question after the word "yet.")

A. I don't know any more than what I've said.

Q. Did you vote the Republican ticket at the election of 1898 at Gulledege?—A. Yes, sir.

Q. Did you remain at the polls all day on election day at Gulledege precinct in 1898?—A. I got there about 10 o'clock and stayed there until after the vote was counted.

Q. At what time in 1898 were you nominated as the candidate for justice of the peace in Gulledege Township?—A. I think it was in October.

Q. At what time during the campaign did you notice these threats in Democratic newspapers that kept you from doing your best for the Republican ticket?—A. As well as I can remember, from the latter part of the summer until a week, perhaps, before the election.

Q. The latter part of summer?—A. About August.

Q. Do you say now, at the time you were nominated and accepted the nomination for justice of the peace, that these threats you saw in the Democratic newspapers had so influenced you that you could not do your best for the Republican ticket?—A. Yes, sir.

Q. There was a considerable white vote which voted with the Republicans or colored people at last election at Gulledege, was there not?

(Contestant excepts to the form of the question.)

A. Not that I know of.

Q. Do you still live in Gulledege Township?—A. Yes, sir.

Q. Who is your nearest neighbor in Gulledege Township?—A. Mr. Gulledege, Eddie Gulledege, and Jesse Carpenter.

Q. Were you born in Gulledege Township?—A. I am not certain; I think, though, I was.

Redirect:

Q. You stated in your cross-examination that the sheriff of Anson County notified you to appear in Wadesboro on the first Monday in December, 1898, to qualify as a justice of the peace, to which office you had been elected, and that you did not qualify; now state why you did not qualify.

(Contestee excepts.)

A. On account of the intimidation the Democrats used against me on that day; to wit, the first Monday in December.

P. J. NIVEN.

Sworn to and subscribed March 1, 1899.

J. W. STEEN,
WM. L. MARSHALL,
Notaries Public.

[Original.]

EXHIBIT A.

KIND ADMONITION.

Whereas N. C., conjointly with all her sister Southern States, is overwhelmingly Democratic, whose Anglo-Saxon blood will allow only white men to rule America, do this day declare that the citizens of Gulledege Township, Anson Co., N.C., most kindly but earnestly protest against P. G. Nivans, G. W. Bancom, as magistrates, and Henry McCormick, as constable of Gulledege Township, having been elected by only two or three majority through medium of alliance black.

Therefore be it resolved, That a committee of twenty wait on said party elected and ask them in the name of a white man's government that they relinquish all claims or ideas of being sworn in as officers of the law. Herein heed or take the consequence.

J. W. PRATT, being duly sworn, deposes and says:

Q. State your name, age, and residence.—A. J. W. Pratt; age, 46; residence, Morven Township

Q. What is your politics?—A. Populist.

Q. State any part you may have taken in the campaign of 1898 in Anson County.—

A. I was a candidate for sheriff.

Q. Nominated by what political party?—A. By the Populist party.

Q. State whether you were indorsed by any other political party.

(Contestee excepts.)

A. Yes, sir; the Republican party.

Q. State the nature of the campaign made by the Democratic party in Anson County in 1898.

(Contestee excepts to the question.)

A. Well, sir, it was a pretty warm campaign.

Q. Did you read the Democratic newspapers published in your county during that campaign, and throughout the Sixth Congressional district, and the State?—A. So far as regards the county, I read all of them; I read one weekly paper regular published in the district, and a daily paper occasionally.

Q. State the names of the Democratic papers mentioned in your answer that are published in Anson County.—A. The Wadesboro Messenger and Intelligencer, and the Wadesboro Courier, edited by F. W. Adams and Rev. R. L. Ball, so far as shown by the headlines of the papers, to the best of my recollection.

Q. Now state if the editorials contained in those papers did not have an intimidating effect upon the Republican and Populist voters.

(Contestee excepts.)

A. I have seen some, sir, that I thought probably might have.

(Contestee excepts to answer.)

Q. State if you remember the methods advised by those papers to carry the election of 1898.

(Contestee excepts to question.)

A. I can't say that I saw but one editorial that might have had a general demoralizing effect.

Q. Give as best you recollect the substance of that editorial.

(Contestee excepts to question.)

A. It was on political gatherings or conventions held by the Republican party. They advised that instead of giving their presence the better plan would be to form clubs and bulldoze them to such occasions.

Q. State what paper this editorial appeared in, and whether said paper is largely circulated throughout your county.

(Contestee excepts to question.)

A. The Courier. As regards the circulation, I know nothing, except the editor claims the largest circulation in the county.

(Contestee excepts to answer.)

Q. State if in your canvass of the county you, or others when you were present, spoke or attempted to speak at any place where the Democrats attempted to bulldoze, as advised by that paper.—A. I would say that in my canvass of the county I never had any disturbance at but one place.

Q. State the place and the nature of the disturbance.—A. The place was in the town of Morven. I had announced myself a candidate for sheriff of the county, and had got through with the few remarks I was going to make. The candidate for clerk of the court commenced a speech and the crowd commenced talking very loud and rather abusing Dr. Maynard. He stopped in his address and the crowd walked off and he resumed his address and finished.

Q. State if (if you know of your own knowledge or otherwise) it is not a fact that notices of public speakings by Populists and Republicans were not often torn down.

(Contestee excepts to question.)

A. Not from my own knowledge; I have heard.

(Contestee excepts to answer.)

Q. State if it is not a fact that because of the exciting and bulldozing methods spoken of above that it was hard to organize the Populist and Republican voters of your county.

(Contestee excepts to the question.)

A. I will state, sir, that it was a hard matter to organize them, and that might have had a tendency to keep them back.

(Contestee excepts to answer.)

Q. State if Populists and Republicans were active at the polls on the election day of 1898.

(Contestee excepts to the question.)

A. I would say that the Republicans and Populists were not very active.

(Contestee excepts to the answer.)

Q. State any other facts that may be of advantage to the contestant in this cause.

(Contestee excepts to question.)

A. I know of none personally.

Cross-examination:

Q. Which was your voting place at the election of 1898?—A. Cairo precinct No. 2, Morven township.

Q. Do you remember how many votes were polled at that precinct for Hon. O. H. Dockery?—A. I do not.

Q. Do you remember which of the candidates for Congress got the larger number of votes at that precinct in that election?—A. According to the returns, Mr. Dockery.

J. W. PRATT.

Sworn to and subscribed March 1, 1899.

J. W. STEEN,
WM. L. MARSHALL,
Notaries Public.

Dr. A. A. MAYNARD, being duly sworn, deposes and says:

Q. State your name, age, and residence.—A. A. A. Maynard; age, 38; residence, Wadesboro Township, Anson County.

Q. What is your profession?—A. Am a farmer, now; I have practiced medicine.

Q. What is your politics?—A. Populist.

Q. State any part you may have taken in the campaign of 1898.—A. I was the local editor of a Populist paper, and was a candidate for clerk of the court, and canvassed the county.

Q. State any difficulties or interruptions the voters of the Democratic party may have brought about during your canvass of the county.

(Contestee excepts to the question.)

A. There was only one worthy of mention, and occurring at Morven, is the same as testified to by Mr. Pratt. I was speaking, discussing the proposition made by the Populist State convention to the Democratic State convention. While I was discussing this proposition I was interrupted several times by Mr. N. C. Watson. I stated as the main reason that I had heard assigned why the proposition made by the Populist State convention was refused by the Democratic State convention was that the Populist proposition demanded part of the offices. Mr. Watson, or I think it was Mr. Watson, continued to interrupt by saying, "All you want is office." Continuing to discuss the proposition and the objections to the proposition, I mentioned the fact that a similar proposition had been tendered by the Populists of New Hanover County to the Democratic party of said county: whereupon the reply of the Democratic convention, its refusal of said proposition, was that they declined if the proposition meant a division of the offices, and followed with the remark, "You see, Mr. Watson, that the Populists are not all the 'pie eaters.'" I did not mean it in an offensive sense, and I don't think I said it that way. As soon as I made the remark several men—three, I think—came upon the platform of the depot, using abusive language. I stopped speaking and stood at the table; one of the number advanced near the table; Mr. J. W. Pratt asked them to be quiet; they turned and left the platform, one of them advising the crowd to leave. I resumed my speech. This interruption was about the 1st of October, as near as I can remember.

(Contestee excepts to the answer.)

Q. State if you read the Democratic papers published in Anson County during the campaign of 1898.—A. I did.

Q. Can you state the methods advised by those papers for carrying the election?

(Contestee excepts to the question.)

A. Their advice with one exception, I think, could be summed up with these words, "Work, and a lot of it."

Q. State the advice in the one exception.

(Contestee excepts to the question.)

A. The Wadesboro Courier advised the formation of Democratic bulldozing clubs, to run Republicans from their meetings. I never saw this in but one copy of the Courier.

(Contestee excepts to the answer.)

Q. State if you found it difficult to organize Republican and Populist voters in your county.

(Contestee excepts to the question.)

A. I think so; I never had much experience in the business.

Q. State any other facts you may know that would be of advantage to the contestant in this cause.

(Contestee excepts to the question.)

A. I don't think I know of any; I heard of some threats from sources that I paid no attention.

A. A. MAYNARD.

Sworn to and subscribed March 2, 1899.

J. W. STEEN,
WM. L. MARSHALL,
Notaries Public.

The court took a recess till Thursday morning at 9 o'clock.

The court met Thursday morning at 9 o'clock, according to the recess taken, and the examination of A. A. Maynard was resumed.

R. P. REINHARDT, being duly sworn, deposes and says:

Q. State your name, age, and residence.—A. R. P. Reinhardt; age, 58; residence, Anson County.

Q. What is your politics?—A. Populist.

Q. Please state your occupation.—A. I am supervisor of the Anson County State farm.

(At this point witness stated that he preferred not to testify further, for personal reasons.)

R. P. REINHARDT.

Sworn to and subscribed this March 2, 1899.

J. W. STEEN,
WM. L. MARSHALL,
Notaries Public.

J. L. MATHESON, being duly sworn, deposes and says:

Q. State your name, age, and residence.—A. Age, 54; residence, Wadesboro.

Q. What is your politics?—A. Republican.

Q. State any part you may have taken in the campaign in 1898 in Anson County.—

A. I was chairman of the Republican executive committee for the county.

Q. What official position do you hold under the Government?—A. Postmaster at Wadesboro.

Q. Can you identify the Charlotte Observer, a paper published in Charlotte, N. C., in the Sixth Congressional district in North Carolina?

(Contestee excepts to question.)

A. Yes, sir.

(Contestee excepts to answer.)

(At this point witness identifies the issues of the Charlotte Observer of the dates of October 20, 1898; October 23, 1898; October 27, 1898; October 28, 1898; November 1, 1898; November 2, 1898; November 4, 1898; November 5, 1898; November 6, 1898; November 11, 1898.)

(Contestee excepts to the introduction of these newspapers, and of the insertion of this into the record, and to the identification by this witness.)

Q. State if the Charlotte Observer has a large circulation in Anson County, and if the issues identified by you above were circulated in said county.

(Contestee excepts to question.)

A. It has a large circulation in the county, and the issues identified by me were circulated in said county.

(Contestee excepts to answer.)

(At this point the marked portions of the Charlotte Observer, dated October 20, 1898; October 23, 1898; October 27, 1898; October 28, 1898; November 1, 1898; November 2, 1898; November 4, 1898; November 5, 1898; November 6, 1898; November 11, 1898, were introduced by the contestant, said issues being marked Exhibit B, and said papers are herewith filed and made a part of J. L. Matheson's deposition.)¹

(Contestee excepts to the introduction of these papers in the record and the filing of the same as exhibits in the cause, and to this entry in the record.)

Q. Can you identify the Messenger, a paper published in Wilmington, N. C., in the Sixth Congressional district?

(Contestee excepts to question.)

A. Yes, sir.

(Contestee excepts to answer.)

(At this point a copy of the Messenger, dated November 8, 1898, was identified by the witness.)

(Contestee excepts.)

Q. State whether this paper circulated in your county—Anson County.—A. Yes, sir.

(Contestee excepts to answer.)

(At this point the marked portion of a copy of the Messenger, dated November 8,

¹ Omitted in printing.

1898, was introduced by the contestant, said issue being marked Exhibit C, and the said paper is herewith filed as a part of this deposition.)

(Contestee excepts to the introduction of the paper marked Exhibit C, or any part of it.)

Q. November 8, 1898, the date of the issue of the Messenger above introduced, was election day in North Carolina, was it not?

(Contestee excepts to question.)

A. Yes, sir.

Q. Can you identify the Messenger and Intelligencer, a newspaper published in Anson County?

(Contestee excepts to question.)

A. Yes, sir.

(Contestee excepts to answer.)

(Witness identifies a copy of the Messenger and Intelligencer dated October 27, 1898.)

(Contestee excepts to this testimony.)

Q. State if this paper has a large circulation in Anson County.

(Contestee excepts to question.)

A. Yes, sir; it has a good circulation.

(At this point contestant introduced the marked portions of the Messenger and Intelligencer of the issue of October 27, 1898, said paper being filed herewith, marked Exhibit D, and made a part of this deposition.)

(Contestee excepts to the introduction of this evidence.)

Q. State the politics of the Charlotte Observer, the Messenger, and the Messenger and Intelligencer.

(Contestee excepts to question.)

A. Democratic.

Q. State the effect of the editorials that appeared in the papers above introduced upon the Republican voters of Anson County.

(Contestee excepts to question.)

A. I suppose it made the people uneasy. There was considerable excitement at that time.

(Contestee excepts to answer.)

Q. State if, as chairman of the Republican executive committee for your county, you made as open and as vigorous a fight for your party but for the editorials that appeared in the above-mentioned papers.

(Contestee excepts to question.)

A. I made the fight as quietly as I could, on account of the excitement.

(Contestee excepts to answer.)

Q. State if you have conversed with any of the witnesses summoned in this cause for contestant; and if so, whether they stated to you that they were afraid to testify in this cause.

(Contestee excepts to question.)

A. Some of them expressed the opinion that they were most afraid to testify.

(Contestee excepts to answer.)

Q. Did they give any reason for their fears?

(Contestee excepts to question.)

A. No, sir; they gave no reason.

(Contestee excepts to answer.)

Q. State if you found it difficult as chairman of the Republican executive committee to organize the Republican voters of your county.

(Contestee excepts to question.)

A. I found it more difficult than formerly.

(Contestee excepts to answer.)

Q. Is it not a fact that you could not properly organize the Republican voters of Anson County for the reasons given by you above, and there was a falling off of the Republican vote—about 200 or 300 in said county?

(Contestee excepts to question.)

A. Yes, sir; I attribute it to that reason; and there was a falling off of 300, I reckon.

(Contestee excepts to answer.)

Q. State if you know of your own knowledge or by communication or otherwise whether the Democratic merchants of Wadesboro and other towns of your county took any active part in the election of 1898; and if so, mention the part they took in said election.

(Contestee excepts to question.)

A. I think they closed their places of business on election day.

(Contestee excepts to answer.)

Q. State if you know by communication or otherwise, whether said merchants went out to the various precincts of your county on election day.

(Contestee excepts to question.)

Q. I heard Mr. Henry Little say he went to Galhoges precinct.

(Contestee excepts to answer.)

Q. State if you know, by communication or otherwise, of any bribery or attempt at bribery on the part of the leaders of the Democratic party or the Democratic party during the campaign of 1898.

(Contestee excepts to question.)

A. I heard some of them say they were given some rations.

(Contestee excepts to answer.)

Q. State if you know, by communication or otherwise, of any violence or attempted violence at Lilesville, in your county, and if any Republicans were prevented thereby from voting.

(Contestee excepts to question.)

A. I heard that some of them were told if they voted they would have to move right away, and some of them went away without voting.

(Contestee excepts to answer.)

Q. State the number that did not vote, according to your information, above stated.

(Contestee excepts to question.)

A. Thirty or forty.

(Contestee excepts to answer.)

Q. State if you know, by communication or otherwise, of any threats by landlords against their tenants if they voted the Republican ticket.

(Contestee excepts to question.)

A. Some of them said they told them if they did not vote right it would be pretty hard with them.

(Contestee excepts to answer.)

Q. Do you know a paper published in your county called the *Courier*? And state if said paper has a large circulation in your county.

(Contestee excepts to question.)

A. Yes, sir, and it has a good circulation.

(Contestee excepts to answer.)

Q. State if you know the methods advised by that paper in any article that may have appeared therein prior to election day.

(Contestee excepts to question.)

A. There was a communication in that paper advising a committee to break up Republican meetings. I don't remember the exact language.

(Contestee excepts to answer.)

Q. State any demonstration made by an assemblage of Democrats in the town of Wadesboro on the day after election.

(Contestee excepts to question.)

A. There was one occasion here that day. When the White Supremacy Club, I think, paraded the street, they got down the road a piece, they discharged their pistols.

(Contestee excepts to answer.)

Q. State if it is not a fact that, by reason of this assemblage of Democrats stated above, three Republicans elected in your county did not fail to qualify and serve in the offices to which they had been elected.

(Contestee excepts to question.)

A. I was informed that they were.

(Contestee excepts to answer.)

Cross-examination by CONTESTEE:

Q. Did anyone disturb you during the political campaign in 1898, prior to the election? Did they use any threats toward you or interfere with you in any way, or use any violence toward you?—A. No, sir; I do not remember that I was interfered with.

Q. Did you vote in the election in 1898? Did anybody attempt to prevent you from voting, by any threat or violence of any kind, or otherwise?—A. I voted, and no one tried to interfere with me.

Q. Where did you vote?—A. I voted at precinct No. 1, Wadesboro township.

Q. How many voting precincts in the town of Wadesboro?—A. Two in the town.

Q. Did you ever in your life ever see the town more orderly and quiet, on any week day, than it was on election day up to the very time the polls were closed?—A. It was orderly and quiet in this, my precinct.

Q. Mr. Matheson, wasn't the whole town particularly quiet on that day?—A. It was in precinct No. 1; I did not go over the whole town.

Q. Precinct No. 1 is the largest precinct in the town?—A. Yes, sir.

Q. Most of the Republican voters in this county are unable to read the newspapers, are they not, Mr. Matheson?—A. I have no means of knowing that, but at a rough guess should say half of them could not.

Q. Compared with the voting population in Anson County, there are very few white Republicans, are there not?—A. The white Republicans are not very numerous in the county.

Q. A fusion ticket was run by the Populists and Republicans in the county, was it not?—A. Yes, sir; a fusion ticket.

Q. And nearly every candidate on it was a Populist, wasn't it?—A. A majority of the ticket was Populist.

Q. Candidate for clerk, candidate for sheriff, candidate for register of deeds, the candidate for house of representatives, candidate for Wadesboro cotton weigher, two senatorial candidates, were all Populists, were they not?—A. Yes; all except Dixon, one of the candidates for the senate, who was recommended by the Republicans.

Q. Those were about all the paying offices, were they not?

(Contestant objects to question.)

A. Well, yes, sir; the treasurer's office pays something, I don't know what. Ingram, candidate for county treasurer; Jonnan, candidate for county commissioner; Ed. Martin, of Warren, for county coroner, were the Republicans on the ticket. The other two candidates for county commissioners were Populists.

Q. Did not many of the leading colored Republicans have public meetings and very earnestly oppose and protest against fusing with the Populists?—A. Some of them were opposed to it, but I was not advised of their holding public meetings outside of our own convention. In the Republican conventions some of the colored Republicans were opposed to fusion.

Q. Was not that opposition very positive and pronounced?—A. It was at one stage.

Q. Did not Col. James C. Carraway, who has for many years been a leading Republican in the county, refuse to vote for, and did he not canvass against, the fusion ticket in Anson County?—A. Since my connection with the party officially Colonel Carraway's action has been against the party. He led a revolt, but it did not amount to anything; he only got thirty-six or thirty-seven votes.

Q. Col. O. H. Dockery was the Populist candidate for lieutenant-governor in North Carolina in 1896, was he not?—A. Yes, sir.

Q. Were not the Republicans in this county at that time very much put out with Colonel Dockery for the position he took in 1896?—A. There was some dissatisfaction and he withdrew from the Republican ticket and recommended Charley Reynolds for the place.

Q. Well, then, Colonel Dockery was first nominated by the Republicans for lieutenant-governor in 1896; he withdrew from that ticket and accepted the Populist nomination for lieutenant-governor; made his first speech here in this town to a large concourse of people; denounced the Republican party; denounced Russell, the Republican candidate for governor, as a fraudulent rascal who obtained the nomination by fraud; denounced McKinley; declared the Republican party had left him; advocated the election of Bryan, Guthrie, the Populist nominee for governor; and declared that he wished the Republican national and State tickets defeated?—A. Those may be the facts; I do not remember them all; Colonel Dockery was nominated by the Republicans for lieutenant-governor; he accepted the Populist nomination for lieutenant-governor; made his first speech in this town; I don't remember whether he denounced the Republican party or not; he did denounce Russell; I don't remember whether he denounced McKinley or not; I did not hear all the speech; I did not hear him say the Republican party had left him; he did advocate the election of Bryan for president; he did advocate the election of Guthrie, the Populist nominee for governor. I do not remember to have heard him say "He wished the national and State tickets defeated," or not.

Q. Were you not, while presiding over a Republican county convention during the last campaign, denounced by a Republican, a colored man, for trying to trade off the Republicans of the county to the Populists?

(Contestant objects.)

A. I do not remember that I was; I was absent from the convention a good deal; I might have been.

(Counsel for contestee objects to counsel for contestant suggesting answers to witness.)

The counsel for contestant denies that he suggests answers to witness.)

Q. Did not some Republicans withdraw from the fusion ticket you made up here in this county because the Populists on it were given nearly all the paying offices?

(Contestant objects and excepts.)

A. Leard Moore withdrew because he could not get on the ticket; he ran on another ticket, but he said he did it in the interest of the Democratic party.

Q. You appointed Leard Moore subchairman of the Republican executive committee of this county?

(Contestant objects.)

A. I did not.

Q. Did you not hear a number of Republicans, after Colonel Dockery was nominated for Congress, say that they would not vote for him on account of his course in 1896?—
 A. There was some opposition when he was first nominated; but after he spoke here I never heard of much opposition.

At 1 o'clock court took a recess until 2 o'clock.

At 2 o'clock the court met pursuant to recess taken.

(The contestant, at this point, asks that questions from one to twenty-three of the cross-examination and the answers thereto be stricken and expunged from the record in this cause, for the reason that said questions and answers are immaterial, irrelevant, and foreign to the issues raised in this cause; and contestant protests against the dilatory tactics of contestee in the cross-examination of contestant's witness, unless said examination be upon matters relevant and pertinent to the issues involved in this contest, because contestant has a number of other material witnesses to be examined in said cause.)

The counsel for contestee states that contestee is not pursuing any dilatory course in the taking of these depositions, and the contestant's statement that such is the case is not true, and contestee believes that the pretended protest was made to consume time, and in furtherance of design of contestant to make a false impression on a committee of Congress, and upon Congress itself.

Contestee asks the questions which he does with a view to repel the allegations that contestant was not elected on account of violence and intimidation, and to show that he was not elected because he and the party with which he affiliated were not actuated from any principle, and on that account such was the public dissatisfaction and disgust that he and his party were overwhelmingly repudiated.

The contestant, in reply to the answer above, says that each and every of the allegations therein contained are untrue.)

Q. Mr. Matheson, did you hear of Colonel Dockery making a speech in the lower part of Lilesville township a night before the election?

(Contestant excepts to question.)

A. Yes; at Horne's schoolhouse. I was not there myself.

Q. Did you not hear that Colonel Dockery, in that speech, told the negroes that if they knew of any negro who would vote the straight Republican ticket, as opposed to the fusion ticket, that they ought to lynch him, and he advised their wives to quit them?

(Contestant objects and excepts.)

A. One of your party friends told me that he used such language.

Q. Mr. Matheson, was there not great disgust among the people at the fusion management of affairs in this State?

(Contestant excepts.)

A. There was some kicking, as there generally is in all campaigns—never all satisfied.

Q. Mr. Matheson, hadn't you yourself expressed disgust at the fusion management in this State?

(Contestant excepts.)

A. I may have at some time.

Q. Who was elected senator from this county in 1896, and what were his politics?

(Contestant excepts.)

A. Wm. H. Odom, and he claimed to be a Republican—he voted for a Republican Senator.

Q. Did not you see it stated in the public press of the State that during the session of the legislature in which Odom served that the Republican governor of the State, Daniel L. Russell, denounced Odom for official corruption?

(Contestant objects and excepts and asks that the above question be stricken from the record as impertinent and foreign to the issues involved in this cause.)

A. Yes, sir; I saw that; but after Odom's election he pledged me he would support Pritchard, and he did it.

(Witness wishes to correct the above so as to make his answer speak, "Yes, sir; I saw that; but before Odom's nomination he promised me to support Pritchard.")

Q. Odom claimed to be a Populist while he was a candidate, did he not?

(Contestant excepts and asks that the above question be stricken from the record as being impertinent and irrelevant.)

A. After that agreement with him I had no more talk with him about it.

Q. Was not Odom nominated by a Populist convention for the senate?

(Contestant excepts.)

A. Yes, sir.

Q. Did not Odom as a Populist attend the Populist State convention in 1898 as a delegate?

(Contestant excepts.)

A. I did not attend that convention, but I heard that he did.

Q. Did not the Fusionists, by an act of the legislature in 1897, take charge of the Atlantic and North Carolina Railroad, and did not the Fusionists make one Hancock president of that road?

(Contestant excepts, and asks that the question and answer that may be given thereto be stricken from the record as being impertinent and immaterial and foreign to the issues involved in this cause.)

A. Yes, sir; there was one Hancock president, but I don't know whether the legislature or governor appointed him.

Q. Did not the scandalous conduct of Hancock while occupying that office produce great disgust all over this country, as well as over the State?

(Contestant excepts, and asks that the question be stricken from the record as being irrelevant.)

A. His resignation was asked for and accepted.

Q. Did not the Fusionists take charge of the penitentiary in 1897?

(Contestant excepts.)

A. Yes, sir.

Q. Were not the scandals connected with the penitentiary and its management so notorious that there was great disgust among the people of the State?

(Contestant excepts and asks that the question be stricken from the record as being impertinent, irrelevant, and foreign to the issues involved in the cause.)

Contestee objects to the question or answer being stricken from the record, and insists that this and like questions are entirely material and competent, as it is intended by them to elicit the fact that the Fusion administration of affairs in the State was so grossly scandalous and incompetent that there was a general revolt at any longer continuing it in power, and that contestant was a Fusion candidate for Congress and shared in the odium of Fusion misconduct and misrule.

Contestant denies that the statement of contestee above is correct, and insists that the facts elicited to be brought out would not be competent, for the reason that contestee fails to set up any such cause of defense in this case.)

A. I know of no scandal except about one of the physicians, who was promptly discharged.

Q. What was that scandal?—A. It was in connection with some of the female inmates of the asylum.

(Contestant excepts to the answer, and asks that it be stricken out of the records in this cause.)

Q. Did you not hear of the waste, mismanagement, and corruption of this institution under Fusion rule?

(Contestant excepts.)

A. I know of none except as above stated.

Q. Did not the Republican governor turn the superintendent of the penitentiary out of office on account of mismanagement or corruption, or both?

(Contestant excepts.)

A. He was turned out; I did not know of any specific charge.

Q. By reason of this state of affairs as developed by this cross-examination, and many other things (scandals) connected with Fusion rule in North Carolina, were not the people moved with the determination to put an end to it?

(Contestant excepts.)

A. Some of them were, and said if they did not beat us they were going to take it anyhow.

Q. Who is John B. Eaves?

(Contestant excepts.)

A. He is ex-senator and ex-chairman of the Republican party.

Q. Did not ex-Chairman Eaves make a speech last year wherein he denounced Fusion rule in North Carolina and the Fusion ticket in the last campaign, and was not that speech printed and largely circulated in Anson County?

(Contestant excepts.)

A. Leard Moore and Colonel Carraway circulated them. I read it in the Charlotte Observer, I think.

Q. In your direct examination you spoke of some clubs being in town and parading the streets shortly after the election. Was not the time you spoke of about a month after the election?—A. I don't recollect exactly when it was. It might have been a month after the election.

Q. Was there not during the last campaign in this county, considering the intense interest everybody took in the election, an unusual state of good feeling among the people, one to another, during the campaign?—A. In this immediate neighborhood there was, though some people came into the office and talked about white-skinned niggers.

Q. So far as you saw in the last campaign in this county was it not conducted generally in a good-humored way?—A. At one time in the county there was consid-

erable excitement. I felt somewhat uneasy. That was about the time they were talking about calling out troops; but the feeling subsided.

Q. Was there ever any talk about calling out troops by reason of anything which happened in this county?—A. Not that I ever heard of.

Q. Do you recollect the name of anybody who went in the post-office and talked about white-skinned niggers? If you do, tell who they were.—A. There was a crowd from the factory there one night. J. A. McKay did the talking, I think.

Q. McKay was a mill hand, and was drunk at the time?—A. Yes; and said to have been under the influence of whisky at the time.

Q. If you remember any other persons who were there and talked of white-skinned niggers, tell who they were.—A. I did not see them; I was inside and these parties in the lobby.

Q. Who was it that talked about calling out troops?—A. There was some talk in the papers about appealing to the President for troops.

Q. Outside of the little affair that Dr. Maynard spoke of as having happened at Morven, did you hear of a single political gathering in Anson County during the last campaign and before the election being disturbed or at which there was any trouble?—A. I don't now recall any at all. If there was any such I never heard of it.

Redirect examination:

Q. You stated on your cross-examination that on election day at your precinct everything went off quietly up to the time the polls closed. Now state if it is not considered generally among Republicans that this was to be the method to be practiced on election day by the Democrats.

(Contestee excepts.)

A. Yes, sir; of course I suppose it was.

(Contestee excepts to answer.)

Q. State if Colonel Carraway, of whom you spoke in your cross-examination as carrying 31 or 37 votes, ran as a candidate in the last election.—A. Yes, sir.

Q. Did you say that he for eight years has been in open revolt against the Republican party in this county?—A. Yes, sir.

Q. In your cross examination, in answer to a question "Did not a colored man denounce you in your convention for trading off the Republican party to the Populists?" and to which question you answered, "I was not present, and did not hear of such." Now, state if you did trade the Republican party off to the Populist party.—A. I did not.

Q. You stated in your cross-examination that speeches alleged to have been made by J. B. Eaves, ex-chairman of the Republican party, was circulated in this county. Now state, if you know, whether the alleged speech was made by the said Eaves.—A. I can't say that I know it; I saw it in print.

Q. The print in which you saw said speech—were they not printed circulars circulated in Anson County by the Democratic party, or men working for that party, and in the Charlotte Observer, a Democratic paper published in this district?

(Contestee excepts.)

A. I saw it in the Charlotte Observer, and saw Mr. Moore distributing it—circulars of it, by Mr. Moore—who said he was working for the Democratic party.

(Contestee excepts to answer.)

Recross-examination.

Q. Did not the Republican and Populist conventions nominate Col. J. C. Carraway as a Republican for county commissioner in 1898 in Anson County?—A. The Republicans did; I am not positive about the Populists.

Q. Was not Col. James C. Carraway chairman of a Republican caucus in 1898 in county convention?—A. I think he was.

J. L. MATHESON.

Sworn to and subscribed March 2, 1899.

J. W. STEEN,
WM. L. MARSHALL,
Notaries Public.

We, J. W. Steen and W. L. Marshall, notaries public in the Sixth Congressional district of the State of North Carolina, do hereby certify that the above-named John Foggan, R. P. Rheinhardt, Dr. A. A. Maynard, John W. Pratt, J. L. Matheson, Rich Hammond, George Bancum, and P. J. Nivens, were by us first severally sworn to testify the truth, the whole truth, and nothing but the truth, and that the depositions by them subscribed, as above set forth, were reduced to writing by us, and by clerks appointed by us, who were first duly sworn, to true entries make of all questions proposed by parties in this cause, and to true entries make of the answers to said questions; also to true and correct entries make of all records, made or copied

in said cause, and that said depositions were first read over to said witnesses and subscribed by them in our presence, and were taken at the time and place in the annexed notices specified, and were continued from day to day; that we are not counsel, attorney, or relative of either party of this suit.

In testimony whereof we have hereunto set our hands and affixed our notarial seals, this the 2d day of March, 1899.

[SEAL.]
[SEAL.]

J. W. STEEN,
WM. L. MARSHALL,

Notaries Public in and for Sixth Congressional District North Carolina.

Notices to take depositions.

To JOHN D. BELLAMY, *Contestee, Wilmington, N. C.*

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at office of S. J. McLeod, at Lumber Bridge, in Robeson County, before J. D. Jowers, notary public, beginning at 10 o'clock a. m. on Thursday, the 2d day of March, 1899, and continuing from day to day, if necessary.

I will examine the following witnesses, namely: J. J. Shaw, Stephen Clifton, M. D. Shaw, S. J. McLeod, Lumber Bridge, N. C.; Duncan E. McBryde, Mill Prong, N. C.; Murdoch McLeod, Pike, N. C.; W. A. Barber, Mill Prong, N. C.; William Johnson, Martin Howard, Alex Parham, St. Pauls, N. C.; J. W. Hall, Lumber Bridge, N. C.; John G. Brown, Red Springs, N. C.

OLIVER H. DOCKERY,
Per B. F. McLEAN,
Special Attorney.

FEBRUARY 21, 1899.

To JOHN D. BELLAMY, *Contestee, Wilmington, N. C.:*

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at the court-house in Lumberton in Robeson County, before J. D. Jowers, notary public, beginning at 10 o'clock a. m. on Tuesday, the 28th day of February, 1899, and continuing from day to day, if necessary. I will examine the following witnesses, namely: D. P. Watters, D. P. Allen, S. A. Edmund, R. M. Norment, J. D. Purvis, E. E. Shooter, Randal Evans, Robert McNeill, Henry Purvis, Lumberton, N. C.; J. C. Atkinson, Robert Stephens, Nathan T. Andrews, Solomon Potter, Ashpole, N. C.; J. W. McNeill, J. Shipman Smith, Red Spring, N. C.; Neill McPhaul, J. R. Mainer, Pates, N. C.; W. W. Wilkins, Moss Neck, N. C.; Thomas W. McHargne, Grady, N. C.; Giles Davis, Lowe, N. C.; J. N. Buic, Lumberton, N. C., register of deeds of Robeson County, with election return for Roch precinct in Robeson County for the election held on Tuesday after second Monday in November, 1896, and also for election held on Tuesday after second Monday in November, 1898; W. A. Lowe, Maxton, N. C.

OLIVER H. DOCKERY,
Per B. F. McLEAN,
Special Attorney.

FEBRUARY 22, 1899.

To JOHN D. BELLAMY, *Contestee, Wilmington, N. C.*

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at the office of J. D. Jowers, on North Patterson street, in the town of Maxton, in Robeson County, before J. D. Jowers, notary public, beginning at 10 o'clock a. m. on Saturday the 25th day of February, 1899, and continuing from day to day, if necessary.

I will examine the following witnesses, namely: E. S. McCormac, M. M. Caddell, Maxton, N. C.; Jordan Shaw, Jordan McNair, Alma, N. C.; Charles Fairley, J. C. Parish, Maxton, N. C.; J. P. Patterson, Alma, N. C.; Louis Lilly, S. Z. Bateman, Wakulla, N. C.; Alfred McLaughlin, Nelson Locklear, Alma, N. C.; J. W. McLean, A. D. McLean, Branchville, N. C.; Neill McRimmon, Resene, N. C.; M. H. McCall, Elrod, N. C.; Jess McCallum, Rowland, N. C.

OLIVER H. DOCKERY,
Per B. F. McLEAN,
Special attorney.

FEBRUARY 20, 1899.

THE UNITED STATES OF AMERICA:

To the sheriff or other lawful officer of Robeson County, greeting: You are hereby commanded to summons the following persons, namely: E. L. McCormac, M. M. Caddell, Maxton, N. C.; Jordan Shaw, Jordan McNair, Alma, N. C.; Charles Fairley, J. C. Parish, Maxton, N. C.; J. P. Patterson, Alma, N. C.; Louis Lilly, S. Z. Bate-

man, Wakulla, N. C.; Alfred McLaughlin, Nelson Lochlear, Alma, N. C.; J. W. McLean, A. D. McLean, Branchville, N. C.; Neill McRimmon, Rescue, N. C.; M. H. McCall, Elron, N. C.; Jess McCallum, Rowland, N. C., to be and appear before me at my office on North Patterson street, in the town of Maxton in Robeson County, at 10 o'clock a. m., on the 25th day of February, 1899, then and there to testify in the above-entitled cause in behalf of Oliver H. Dockery, contestant. Herein fail not and make due return to me at said place of hearing. This 20th day of February, 1899.

J. D. JOWERS, *Notary Public.*

THE UNITED STATES OF AMERICA:

To the sheriff or other lawful officer of Robeson County, greeting: You are hereby commanded to summons the following persons, namely: D. P. Watters, D. P. Allep, S. A. Edmund, R. M. Norment, J. D. Purvis, E. E. Shooter, Randal Evans, Robert McNeill, Henry Purvis, Lumberton, N. C.; J. C. Atkinson, Robert Stephens, Nathan T. Andrews, Solomon Potter, Ashpole, N. C.; J. Shipman Smith, Red Springs, N. C.; J. Ed. Tyson, Allenton, N. C., to be and appear before me at the court-house in Lumberton, in Robeson County, at 10 o'clock a. m., 28th day of February, 1899, then and there to testify in the above-entitled cause in behalf of Oliver H. Dockery, contestant. Herein fail not and make due return to me at said place of hearing. This 22d day of February, 1899.

J. D. JOWERS, *Notary Public.*

THE UNITED STATES OF AMERICA:

To the sheriff or other lawful officer of Robeson County, greeting: You are hereby commanded to summons the following person, namely: J. N. Buie, register of deeds of Robeson County, and order him to bring with him the election returns for each precinct in Robeson County, for the election held on Tuesday after the second Monday in November, 1896, and also for the election held on Tuesday after the second Monday in November, 1898, Lumberton, to be and appear before me at the court-house in Lumberton in Robeson County, at 10 o'clock a. m., 28th day of February, 1899, then and there to testify in the above-entitled cause, in behalf of Oliver H. Dockery, contestant. Herein fail not and make due return to me at said place of hearing this 22d day of February, 1899.

J. D. JOWERS, *Notary Public.*

THE UNITED STATES OF AMERICA:

To the sheriff or other lawful officer of Robeson County, greeting: You are hereby commanded to summons the following persons, namely: J. W. McNeill, Red Springs, N. C.; Neill McPhaul, J. R. Mainer, Pates, N. C.; W. W. Wilkins, Moss Neck, N. C.; Thomas W. McHargne, Grady, N. C.; Giles Davis, Lowe, N. C.; W. A. Lowe, Maxton, N. C., to be and appear before me at the court-house in Lumberton in Robeson County, at 10 o'clock a. m., 28th day of February, 1899, then and there to testify in the above-entitled cause in behalf of Oliver H. Dockery, contestant. Herein fail not and make due return to me at said place of hearing this 22d day of February, 1899.

J. D. JOWERS, *Notary Public.*

THE UNITED STATES OF AMERICA:

To the sheriff or other lawful officer of Robeson County, greeting: You are hereby commanded to summons the following persons, namely: J. J. Shaw, Stephen Clifton, M. D. Shaw, S. J. McLeod, Lumber Bridge, N. C.; Duncan E. McBryde, Mill Prong, N. C.; Murdoch McLeod, Pike, N. C.; W. A. Barber, Mill Prong, N. C.; William Johnson, Martin Howard, Alex Parham, St. Pauls, N. C.; J. W. Hall, Lumber Bridge, N. C.; John G. Brown, Red Spring, N. C.; James McCormac, Duffie, N. C.; D. M. Hall, J. E. Clifton, Lumber Bridge, N. C., to be and appear before me at office of S. J. McLeod, at Lumber Bridge in Robeson County at 10 o'clock a. m., 2d day of March, 1899, then and there to testify in the above-entitled cause in behalf of Oliver H. Dockery, contestant. Herein fail not and make due return to me at said place of hearing this 21st day of February, 1899.

J. D. JOWERS, *Notary Public.*

In the matter of contest for the seat of John D. Bellamy, contestee, in the Fifty-sixth Congress of the United States, by Oliver H. Dockery, contestant, at Maxton, in Robeson County, in the State of North Carolina, before J. D. Jowers and A. D. McLean, notaries public, the following witnesses were duly examined on the part of the contestant, Oliver H. Dockery; the contestant, Oliver H. Dockery, and the contestee being both represented by counsel.

The counsel for John D. Bellamy, contestee, having asked that A. D. McLean, a duly commissioned notary public of Robeson County, N. C., be associated with J. D. Jowers, notary on the part of the contestant named in the notice, the testimony is taken before both notaries.

N. J. MCKINNON, being duly sworn, deposes and says:

(Counsel for contestee objects to the examination of the witness, on the ground of the insufficiency of the notice and subpoena, as appears on the face of same.)

Q. Where do you reside?—A. Refuge, in Alfordsville Township, Robeson County, N. C.

Q. Did you accept service of this subpoena?—A. Yes.

Q. Were you an officer in the last election?—A. No.

Q. Were you at the election?—A. I was there in the evening.

Q. Do you know of any intimidation or acts of intimidation before or on the day of election?

(Counsel for the contestee objects that the question is too general and incompetent in the form in which it is propounded.)

A. I do not know of any intimidation at all.

Q. Did you ever see any red shirts?

(Counsel for contestee objects to the question as incompetent.)

A. Yes; I have seen some red shirts.

Q. Did members of the Democratic party adopt red shirts as an emblem of their party just before the election held in last November?

(Counsel for contestee objects to the question on the ground that it is incompetent and irrelevant, the witness having already stated that he knew of no intimidation.)

A. I do not know whether they did or not.

Q. Did you hear any of the parties who wore red shirts make threats in regard to voters?

(Counsel for contestee objects, for the reason that the question is incompetent, irrelevant, and for the further reason that the witness has already stated that he knew of no intimidation whatever.)

A. I don't think I did.

Q. Did all the registered voters at your precinct vote?

(Counsel for contestee objects to the question as incompetent, the registration books being the best evidence of the facts.)

A. I do not know; I heard that a few did not.

Counsel for contestee on cross-examination asked the witness the following questions:

Q. Was it not a fact that a majority of the judges of election at your precinct, in the last election, were Fusionists?—A. I think they were.

Q. Was not all the election machinery in Robeson County created by and under the control of precinct officers?—A. I think it was.

Q. Was not O. H. Dockery, this contestant, the Fusionist candidate for Congress in this district?—A. He was.

Q. Was the election at your precinct last November conducted fairly and honestly, so far as you know?—A. It was.

Q. Was not the said election as quiet and as peaceable, or more so, than any election previously held within your knowledge?—A. It was as quiet as any I ever knew.

N. J. MCKINNON.

Sworn to and subscribed before us this 25th day of February, 1899.

[SEAL.]
[SEAL.]

J. D. JOWERS, *Notary Public*.
A. D. MCLEAN, *Notary Public*.

S. Z. BATEMAN, being duly sworn, deposes and says:

(Counsel for contestee objects to the examination of the witness on the ground that the notice and subpoena are insufficient, as appears on the face thereof.)

Q. Where do you live?—A. Wakulla, Robeson County, N. C.

Q. Did you accept service of summons to appear before J. D. Jowers, notary public, at Maxton, N. C., on the 25th day of February, 1899, to give evidence in behalf of the contestant in this case?—A. I did.

Q. Was you an officer at the election held in November last?—A. I was a poll holder in precinct No. 2, Smiths Township.

Q. Was there any intimidation of voters in your neighborhood before or during the election?

(Counsel for the contestee objects, for the reason that it is too general and incompetent in the form in which it is asked.)

A. Prior to the election there was; up to the morning of the election.

Q. What kind of intimidation?—A. Riding over the neighborhood, shooting, and threatening voters; threatening that those who did not stay at home on the day of election or vote the Democratic ticket would be without homes.

Q. How was this shooting?—A. Riding over the neighborhood at night shooting promiscuously.

Q. Was it done at residences?—A. It was.

Q. Do you know the politics of the citizens of your community?

(Counsel for the contestee objects, as too general and incompetent.)

A. I think I do.

Q. Was there any of this shooting done at the residence of a Democrat?

(Objected to as incompetent.)

A. Not that I know of.

Q. Was any of this shooting done at the residence of a Fusionist voter?

(Objected to as incompetent.)

A. It was.

Q. Did you hear any threats made as to voters who did not vote the Democratic ticket?—A. Yes; of course I did; they said if they did not vote it they would be without homes, and they would use their Winchester and shotguns.

Q. Were winchester rifles displayed in that section at that time in a conspicuous way.

(Counsel for the contestee objects as general and incompetent.)

A. They were.

Q. Were they so displayed by Democrats or Fusionists?

(Counsel for the contestee objects as general and incompetent.)

A. By Democrats.

Q. Did you hear any of the parties who were so displaying them make any of the above-mentioned threats?

(Objected to as too general.)

A. I did.

Q. Did all of the registered voters of your precinct vote at the election held in November last?

(Objected to as incompetent.)

A. They did not.

Q. To what party did those who did not vote principally belong?—A. The Republican party.

Q. You have before in your testimony referred to the Fusion party in the last election. Of what did it consist?—A. The Populist and Republican parties in my section.

Q. Do you know how many Populists and Republicans did not vote; and if so, how many?

(Objected to as incompetent.)

A. I am satisfied that there was between 25 and 30; I am satisfied there was 25.

Q. Do you know of any voter or voters of the Fusion party who voted the Democratic ticket on the account of intimidation; if so, how many?—A. I don't know of anyone who voted the Democratic ticket because of being intimidated.

Q. Do you know of anyone who was hired to vote the Democratic ticket; if so, how many?—A. I do not know of anyone.

Cross-examined by COUNSEL FOR CONTESTEE:

Q. You stated in your direct examination that you knew the politics of the citizens of your community. Do you mean to say that you have personal knowledge of the particular ticket that every citizen of your neighborhood will vote at any given election?

(Objection on the part of contestant's counsel for reason that it is too particular.)

A. I do not.

Q. Do you know the particular ticket that every voter voted at your precinct at the last election?—A. I do not know of everyone.

Q. What are your politics?—A. I am a Populist.

Q. What is a Populist?—A. I call a Populist a true Jeffersonian Democrat.

Q. What is a Jeffersonian Democrat?—A. It means a government ruled for the people and by the people, without Winchester rifles and shot guns.

(Counsel for the contestee protests against the answering of questions propounded to the witness by the counsel for the contestant, it being admitted that the latter clause of foregoing answer was made at the suggestion of counsel of contestant.)

Q. For whom did you vote as a candidate for Congress in the last election?—A. Col. O. H. Dockery.

Q. To what political party does he belong?—A. I look on him as being a Free Silver Republican.

Q. How do other people look upon him?—A. I know others look upon as being the same.

Q. Did he not run as a candidate for lieutenant-governor on the regular Populist ticket against the regular Republican nominee two years ago?—A. He did.

Q. Do you believe in the principles of the Republican party?—A. Not altogether.

Q. What is the difference between a true Jeffersonian Democrat and a Republican?—A. The one is for free silver and the other is for the gold standard.

Q. You stated that there was some intimidation of voters in your precinct before and during the last election. How long before the election did this occur?—A. From a month before up to the morning of the election. I could not state positively the exact time it commenced.

Q. Did any of the intimidation that you referred to occur near the polls on the day of the election and while the election was going on?—A. Not while the election was going on.

Q. Did any voter of your knowledge approach the voting place on the day of election and offer to cast his ballot for O. H. Dockery, the contestant, and fail to so vote on account of present intimidation?—A. No.

Q. You state in your direct examination that there was some intimidation of Fusion electors "caused by parties riding over the neighborhood" shooting and threatening voters and saying that those who did not stay at home on election day or vote the Democratic ticket would be without homes. Please state what particular voters were thus intimidated, what particular party did the intimidating, and at what particular times this occurred.—A. I was threatened; I know that McGalbrath, colored, was also intimidated; those are all that I know of of my own knowledge.

Q. What parties did the intimidating?—A. The party who did the intimidating was John M. McNair, J. T. Webb, Will Brock Edwards, James Graham, Lawrence McGirt, Daniel Smith, and Neill Smith. These are all that I know of around me. This was done previous to the election; a good deal on the night previous to the election.

Q. Do I understand you to swear that these parties whom you have named rode over your neighborhood shooting and threatening voters, and telling them unless they stayed at home on the day of election or voted the Democratic ticket that they would be without homes?—A. I do know it.

Q. Name the particular parties that these men threatened this way?—A. Myself and McGalbrath.

Q. Did this intimidation prevent you from voting?—A. It did not.

Q. How long before the election were you and Me thus intimidated?—A. Friday and Monday before the election; I was intimidated on Saturday previous to the election.

Q. Did any of the parties that you have named make any of these threats to you personally; if so, who and when?—A. Henry McNeill and John M. McNair, two or three weeks previous to the election. Henry McNeill said they were going to have the election if they had to carry it with shotguns and Winchester rifles, and I would be the first man they would shoot.

Q. Are you and McGalbrath the only parties who was thus threatened of your own personal knowledge?—A. Yes.

Q. Did you hear the threats against McGalbrath?—A. I did not.

Q. The parties that you speak of as riding through the neighborhood, do you know where they were going?—A. No.

Q. How did you know what these parties did or said?—A. I did not know.

Q. Is it not a fact that you were going armed and making threats previous to the election?—A. I never carried a gun or pistol in my life, and made no threats.

Q. In your direct examination, you stated that Winchester rifles were displayed in a conspicuous way. State where they were displayed; who displayed them, and where?—A. One on the election ground, the morning of the election—Raiford Fletcher had it on the election ground—I saw people at other times with guns.

Q. Is it not customary for the citizen in your community to carry guns for the purpose of hunting at most any time?—A. It is.

Q. How many registered voters were there at your precinct at the last election?—A. I don't recollect exactly; I think there were somewhere in the neighborhood of two hundred.

Q. You stated in your direct examination that there were twenty-five or thirty Fusion voters registered in your precinct who did not vote at the last election. Did any of the Fusion electors who did not vote approach the polls and attempt to vote for O. H. Dockery or any other party? Did they not stay at home?—A. Some stayed at home; some went to the polls, but did not vote.

Q. How many went to the polls and did not vote?—A. One.

Q. Did the one who went to the polls and did not vote offer to vote for O. H. Dockery for Congress?—A. He did not; his name is Calvin Hammons.

Q. Was not this elector ineligible on account of being indicted?—A. He was under indictment, but was ineligible.

Q. Was not every elector that offered to vote for O. H. Dockery on the day of election allowed to do so by the judges of the election?—A. They were.

Q. Was it not a fact that four of the six judges at your precinct at the election were partisan supporters of O. H. Dockery?—A. Yes.

Q. Was not the election held on that day at your precinct fairly and honestly held?—A. It was.

Q. Was it not a fact that the election machinery in your precinct and all over Robinson County was created and under the control of the Fusionists?—A. Smith precinct No. 2 was; I don't know as to the balance of the county.

S. Z. BATEMAN.

Sworn to and subscribed before us on this the 25th day of February, 1899.

[SEAL.]

J. D. JOWERS,

[SEAL.]

A. D. MCLEAN,

Notaries Public.

JOURDAN SHAW, being duly sworn, deposes and says:

(The counsel for the contestee objects to the examination of the witness on the ground of insufficiency of the notice and the subpoena, as shown on the face of the same.)

Q. Did you accept service and notice to appear before J. D. Jowers, notary public, to give evidence in the contest on behalf of the contestant, at Maxton, on February 25, in Robeson County, 1899?—A. Yes.

Q. Where do you live?—A. I live in Maxton Township, Robeson County, N. C.

Q. Are you a voter of Maxton Township; and if so, for how long?—A. I have been voting in this township about eighteen years.

Q. Was any effort made to keep you from voting at the election in last November, either before the election or on the day of election?

(Objected to as too general and incompetent.)

A. There was.

Q. When and how was this effort made?—A. On the 26th day of November, Sunday morning, there was a bunch of murderers come to my house, broke my door open, went into my bedroom on the search of me, asking my wife, "Where is the * * *? We have come after him." She says, I don't know, sir, where he is. "Ain't he under that bed?" She says, I don't know where he is. One of the men says, "Shoot under there; that will raise the * * *". They shot under the bed—both beds—several shots. They asked my wife how to get in the loft. She told them. They climbed up in the loft, shot several times up there, then came to room again, where my wife was; told her to tell me to keep away from that election, and told her to tell me that they would come and see me again. They went into the yard and shot four or five times and left.

Q. Were you where you could hear all this conversation?—A. Yes, sir; I was.

Q. Was there any shooting at other houses in your community?

(Objected to by counsel for contestee as being too general and incompetent.)

A. No, sir; there was not.

Q. Was the time that you speak of their going to your house before or after the election in November, 1898?

(Counsel for the contestee objects for the reason that the witness has already sworn that the time was November 26, 1899.)

A. It was before the election.

Q. Were the parties who went there clothed in any peculiar way?

(Objected to as incompetent by counsel for contestee.)

A. They were disguised by pulling black cloths over their faces; they had overcoats with capes attached.

Q. Could you identify the parties, and if not, why not?—A. I could not identify them because they had their faces covered with black cloth.

Q. Were you at the last election at Maxton?—A. Yes, sir; I was.

Q. Did you see any intimidation of voters there?—A. Yes, sir.

Q. What was the nature of it?—A. Running voters away from the polls; pushing some of them; I saw them kick one man; I saw a crowd, I don't know how many, running some colored men, two or three; the crowd that was running colored men had on red shirts and red tippets.

Q. Was there a man at the polls who took the name of every man (colored) who voted, and what did he say to them?—A. He said he would see them again; he asked where they lived and whose land they lived on.

Q. Was there any shooting near the polls at Maxton on election day; and if so, how near and by whom was it done?—A. I don't know who did the shooting, but heard the report of a gun or pistol and saw the smoke; it was not far; I don't know the exact distance.

Cross-examination by COUNSEL FOR CONTESTEE:

Q. You swore in your direct examination that you had been a voter in Maxton Township about eighteen years. Don't you know that Maxton Township has only been formed about seven years?—A. I have voted here for eighteen years.

Q. Were you ever indicted for anything; and if so, for what?—A. Yes; my dog injured a goose belonging to Capt. J. W. Plummer and he indicted me for it.

Q. How long did you stay in jail?—A. I stayed in jail until court.

Q. Were you not indicted for larceny?—A. I was not.

Q. Do you know who the parties were that visited your house on the 26th day of November, as stated by you, and do you know to what political party they belonged?—A. I don't know either, because they were disguised.

Q. Did you vote at the election held in Maxton last November; if so, did you vote as you chose?—A. Yes, sir; I did, and against their orders.

Q. You stated in your direct examination that you saw some voters intimidated at the election in Maxton on election day. Please give us the names.—A. I don't know the names. It was an exciting day, and I did not notice particular to know their names.

Q. If you did not know these persons and did not pay any particular attention to them how can you swear that they were duly qualified voters in this precinct?—A. Some of them had tickets in their hands and were going to the polls and would not have come from other townships.

Q. Can you swear any one of these persons was a duly registered and qualified elector in Maxton Township?—A. I can not.

Q. Can you swear that any one of these parties approached the polls and offered to cast his ballot for O. H. Dockery?—A. I can not swear how they offered to vote, because they were run off before they got to the polls.

Q. How many of these parties was there?—A. About two or three.

Q. Who run them off and what was done to run them off?—A. White men with red shirts on; I did not know their names.

Q. You have a good deal of partisan feeling in this matter.—A. That is the party I vote for.

Q. Why did you accept service on this subpoena and voluntarily come here to testify?—A. Because I thought it was my duty.

Q. What ticket did you vote the last election?—A. I voted the Fusion ticket.

Q. What is the difference between the Republican and Democratic parties?—A. The difference is this: The Republican party accepts the votes of those that desire to vote for them. The Democrats puts on red shirts and black cloths over their faces and compels them to vote for them. That is all the difference I know.

Q. Did any Democrat put a black cloth over his face and try to force you to vote the Democratic ticket? If so, name him.—A. I don't know whether they did or not.

Q. Why did you say that Democrats put on red shirts and black cloths over their faces and tried to force persons to vote the Democrat ticket when they did not want to, when you now say that you do not know of any Democrat who did anything of the kind?—A. Because the Democrats are the only ones that I ever saw wear red shirts.

Q. Did you ever see a Populist or Republican wear a red shirt?—A. (The witness refuses to answer the question as asked, but answers as follows.) I never saw a Populist or a Republican wear a red shirt with the intent to frighten people.

(Counsel for the contestee requests the notary to require the witness to answer the questions as asked.)

Counsel for contestant contends that witness, while required to answer all questions propounded to him, has the right to qualify all his answers in any manner that is consistent with truth.)

Q. How long were you at the polls in Maxton on the day of the election?—A. I don't know.

Q. Were you there as much as one hour during the time the election was being held?—A. Yes, more than an hour.

Q. Were you there two hours?—A. I do not know.

Q. Did you not swear that there was a man at the polls that took down the name of every colored man who voted at that precinct?—A. I don't remember swearing to that; there was a white man taking down the names when I was there.

Q. Who was this white man?—A. I don't know.

JOOD (his x mark) SHAW.

Sworn to and subscribed before us this 25th day of July, 1899.

[SEAL.]

J. D. JOWERS,

[SEAL.]

A. D. MCLEAN,

Notaries Public.

Court adjourned until 9.30 o'clock, Monday morning, February 27, 1899.

J. C. PARISH, being duly sworn, deposes and says:

(Counsel for the contestee objects to the examination of the witness on the ground of insufficiency of the notice and subpoena, as appears on the face thereof.)

Q. Where do you live and what is your occupation?—A. I live in Maxton, Robeson County, N. C.; I am a deputy United States marshal.

Q. Where did you live just prior to and during the election held in the State of North Carolina on Tuesday after the second Monday in November, 1898?—A. I lived in Maxton, Robeson County, N. C.

Q. In what Congressional district is this?—A. I think it is the Sixth.

Q. Do you know, and if so, who were the candidates for Congress at said election in this district?—A. John D. Bellamy was the Democratic candidate and O. H. Dockery was the Fusion candidate.

Q. Was there a fusion between parties at said election, and if so between what parties?—A. There was fusion between the Populist and Republican parties.

Q. Was there any intimidation of voters just prior to and during that election; and if so, what was the nature thereof and by whom was it conducted and against the voters of what party or parties?

(Objected to as too general and incompetent.)

A. I don't know of any voter of my own knowledge who was intimidated.

Q. Was there a crowd known as Red Shirts in or around Maxton before and during the election last November?

(Objected to on the ground that the witness has already stated that he knew of no intimidation; for the further reason that it is immaterial and irrelevant.)

A. There was a crowd around here with red shirts on.

Q. Was it not a regular organization?—A. I do not know whether or not there was such an organization; there was an organization here known as the White Government Union, and it was customary for them to wear red shirts.

Q. Did you see any of the members of this union with their red shirts on endeavoring to intimidate voters on the day of that election last November, 1898?

(Objected to for the reason that the witness has already stated that he knew of no intimidation, and the counsel for contestant has no right to cross-examine or contradict his own witness.)

Counsel for contestant insists that it is no contradiction nor cross-examination, but to show what was done to voters before they reached the polls.)

A. I don't know of my own knowledge of any voters that were intimidated.

Q. What did you see the members of the union with their red shirts on doing on the day of the last election at Maxton?

(Objected to as immaterial and irrelevant and incompetent in the form in which it is asked.)

A. I can not say of my own knowledge who composed the union.

Q. Did you see parties with red shirts on at Maxton on the day of election?

(Objected to as immaterial and irrelevant.)

A. I did.

Q. What did you see them doing?—A. I saw some colored people run away from the polls and near there.

Q. Did the parties who did it have on red shirts and did the parties who were run off have on red shirts?

(Objected to as immaterial and irrelevant.)

A. I don't know that all the parties that did it had on red shirts; I don't know what the parties who were run off had on, but they were moving at a lively gait.

Q. Was there any peculiarity about the red shirts which these White Government Union men wore?

(Objected to as incompetent, immaterial, irrelevant.)

A. I can't say of my own knowledge who belonged to the White Government Union.

Q. Do you know what party the colored men of this section generally reputed to vote for?

(Objection for the reason the answer of the witness could only be a matter of opinion not within his own knowledge, and therefore incompetent for the further reason that it is immaterial and irrelevant as to what political party or class of voters generally vote for.)

A. The majority of them are supposed to vote the Republican ticket.

Q. Were the parties you saw being run off white or colored?

(Objected to as incompetent.)

A. They were colored.

Q. Did you not know most of the parties who were running them off to be Democrats?

(Objected to for the reason that the answer of the witness could only be a matter of opinion not within his own knowledge, and therefore incompetent.)

A. I took them to be Democrats, but don't know of my own knowledge.

Q. Did you hear any of the parties while running or threatening any one on the day of that election make any remark regarding the White Government Union, the Red Shirts, or the Democratic party which would tend to show that they were working together?

(Objected to as incompetent.)

A. I don't remember any remarks that were made.

Q. Was there any assault or attempted assault or threats of assault made against Ed Campbell on the day of that election; and if so, by whom?

(Objected to as incompetent and immaterial, as there is nothing to show that there was any intimidation to prevent Ed Campbell from voting.)

Counsel for contestant insists that the question is relevant as to show there was concerted action on the part of the friends of contestee to prevent voters from voting for the contestant who wished and desired to do so.)

A. There was a crowd that went to the stable where Ed Campbell was and wanted to take him out of the stable, and said he ought to be whipped; they were white people.

Q. Did they have red shirts on?

(Objected to as immaterial and incompetent.)

A. Part of the crowd had on red shirts.

Q. Who seemed to be the leader of the crowd who went to the stable after Ed Campbell?

(Objected to as incompetent.)

A. Well, I don't know; there were several that went there and had some talk about it.

Q. Can you name any of them?

(Objected to as incompetent.)

A. Yes, I can name some of them: Mr. M. G. McKinzie, J. S. McKinzie, W. H. Bishop. I could not say positively now about any others.

Q. Do you not know Mr. M. G. McKinzie to be, by his own admission, a partisan Democrat?—A. I take it for granted that he is a Democrat from what I have heard him say.

Q. Did he not wear a conspicuous red shirt on the day of the election at Maxton in last November, 1898?

(Objected to as immaterial and irrelevant.)

A. I can't say positively whether he did or not.

Cross-examination by COUNSEL FOR CONTESTEE:

Q. Have you not seen citizens in this community wearing red shirts at different times for the last four or five years?—A. I have.

Q. Have you ever worn one yourself?—A. I have.

Q. Are you not wearing one now?—A. I am not.

Q. Have you not seen Republicans, Populists, and Fusionists wearing red shirts at different times?—A. I have seen different people wearing them, but can't say what party they belong to.

Q. Were you in Maxton at this precinct on the day of the last election; if so, how long?—A. I was here nearly all day.

Q. Did you see any elector approach the polls and offer or attempt to deposit his ballot in the ballot boxes and fail on account of intimidation to do so?—A. I can't say that I did.

Q. Do you know of any elector who offered to vote for O. H. Dockery on that day that was prevented by intimidation from doing so?—A. I do not.

Q. Was the election, so far as you know, conducted fairly and honestly?—A. The poll holders acted all right, so far as I know.

Q. Was it not a fact that a majority of the judges of election in the precinct were Fusionists?—A. I don't know of my own knowledge whether they were or not.

Q. Please name the judges of the election and their reputed politics at this precinct?—A. Mr. Frank Henderson, Democrat; Mr. B. F. McLean, Republican.

Q. Was W. A. Lowe a Populist, and Henry H. Sampson?—A. I think they were judges; I don't know about their politics.

Q. Was B. F. McLean, who is now present at this hearing as counsel for O. H. Dockery, contestant, one of the Fusion judges of election, and before the election a Fusion registrar?—A. I think B. F. McLean was one of the judges of election and registrar.

Q. Was it not a fact that B. F. McLean, this Fusion registrar, and who had possession of the registration books of this precinct, failed to attend, as the law required him to do, on the day fixed for hearing challenges and was absent from the precinct, leaving the registration book locked up in his safe; and was it not a fact that the challenges could not be heard for that reason on that day?—A. I heard that.

Q. Was he not indicted for this offense and did you not go on his bond?—A. He was indicted, and I went on his bond.

Q. Was it not a fact that a number of so-called Fusion electors were notified that they were challenged and that the challenges would be heard on that day?—A. I do not know of my own knowledge.

Q. Did you not hear that this was so, and was it not so stated at the time he was indicted?—A. I have heard that there was some that they wanted to challenge.

Q. You stated in your direct examination that there was an organization known as White Government Union. Was it not a fact that this was a political club in which former Democrats, some former Republicans, and some former Populists were members?—A. I don't know of my own knowledge what their politics was.

Q. Do you not know that men who had theretofore claimed to have been Populists and Republicans joined these clubs?—A. I don't know of my own knowledge; I think they did.

Q. Did you not see men who had theretofore claimed to have been Populists and Republicans wearing the buttons and the emblems of this organization?—A. I did.

Q. Have you not heard men who claimed to have been Populists say that they intended to vote a Democratic ticket in the last election?—A. I did.

Q. Was it not a fact that there was a sentiment among many Populists opposed to the former Fusion rule in North Carolina?—A. I don't know of my own knowledge; I have heard people who were reported to be Populists say so.

Q. Did not the little boys and young men not of age wear red shirts?—A. They did.

Q. Do you know that every man who wore a red shirt was a Democrat?—A. I do not.

Q. Were not many of the red shirts worn before the election and on the day of election by little boys?—A. I saw little boys wearing red shirts.

Q. You stated in your direct examination that you saw some colored people run away from the polls on election day; did you see any voter who approached the polls and offered to vote for O. H. Dockery forced away from the polls and prevented from voting?—A. I did not, that I know of.

Q. How many colored people did you see prevented from voting, if any?—A. No; I did not see any.

Q. Was it not a fact that J. P. Smith, the Fusion candidate for constable in the last election, sat on the table on which the ballot boxes were and attempt to prevent an elector from voting the Democratic ticket?—A. I don't know that of my own knowledge; I heard it.

Q. You stated in your direct examination that some colored men were run off from the polls; did you mean to swear that any one of the colored men were intimidated and prevented from voting on that day?—A. I did not.

Q. Do you know that any one of these men was a qualified voter in Maxton precinct?—A. I do not.

Q. Did you not hear it stated that this was only some fun engaged in by the boys?—A. I don't remember hearing that.

Q. How many of these men were there?—A. I don't know exactly; about one-half dozen that I saw.

Q. Were these men that you saw running anywhere near the polls?—A. I saw one near the polls; the others were some distance from the polls.

Q. You stated that the colored men of this section were reputed to be Republicans; do you not know that many of the colored people were dissatisfied with Fusion rule in North Carolina and refused to vote for it any longer?—A. I don't know it of my own knowledge, but I heard it.

Q. You stated in your direct examination that a crowd went to the hotel where Ed. Campbell was and wanted to take him out of there; do you not know that this took place away from the voting place and had nothing to do with the question of his voting?—A. It was away from the polls, and I understood that it had nothing to do with his voting.

Q. Was he not arrested for violating a town ordinance in an entirely different part of the town?—A. Heard so.

Q. Did he attempt to go to the polls or vote?—A. Not that I know of.

Reexamined by COUNSEL FOR CONTESTANT:

(Counsel for contestee submits that the witness has already been examined by contestant, and that no new matter has been brought out; therefore objects to the further examination of the witness.)

(Counsel for contestant insists that matters of hearsay evidence were brought out and that he has a right to further examination of the witness.)

Q. Was it not common report that Red Shirts and members of the White Government were riding over this community for days and nights just prior to the last election, shooting into the houses of colored people and threatening them with violence if they attempted to go to the election, unless they agreed to vote the Democratic ticket?

(Counsel for the contestee objects to the above question as wholly incompetent, and for reason that the witness has already stated that he knew of no intimidation or threats, and that any answer to the question by the witness could only be a report and not any fact within the knowledge of the witness, and for the further reason that if any such alleged facts existed that the proper way of showing them would be by the testimony of the particular electors alleged to have been intimidated.)

A. I heard such report.

Cross-examination by COUNSEL FOR CONTESTEE:

Q. Please give the names of the parties who made any such statement as is contained in the foregoing question to you.—A. I can't give the names of any parties; I don't remember them.

Q. You have sworn that it was a common report; if it was a common report, will you not kindly give us the name of even one man that gave you this information?—A. I don't remember; I heard the report.

Q. Are you not a deputy U. S. marshal and sworn to do your duty as such?—A. I am.

Q. Please explain, if you heard this report, why you did not do something to bring the guilty parties to justice, as was your duty under the law to do.—A. I do not know what my duty is altogether.

Q. How many parties made this report to you?—A. I do not know.

Q. Were they men or women?—A. Both.

Q. White or black?—A. Both, or some of each color.

Q. If you know or remember that they were men and women, white and black, please explain why it is that you now refuse to give the name of even one person.—A. I don't remember who I heard talking about it, but it was general talk around here.

Q. Were not the sheriff and solicitor of this county both Fusion officeholders at that time?—A. They were said to be.

Q. Was any attempt made by either of them to bring the guilty parties to justice?—A. None that I know of.

Q. Were any of these parties indicted in the State or United States courts for the offenses?—A. Not that I know of.

Q. Did you not know that if these reports were true that the offenders were guilty of offenses under the laws of the United States?—A. That was my impression.

Q. Are you not sworn, as an officer of the United States, to see that its laws are not violated?—A. I do not remember the form of the oath of officer exactly. I don't think I am sworn to see that the laws are not violated; anything that comes under my own observation I think it my duty to look after it, but not hearsay report.

Q. Did you make any effort to see if these hearsay reports were true?—A. I did not.

Q. Do you mean to say that as a sworn officer of the United States that you only look after offenses which comes within your own personal knowledge?—A. I executed papers that were sent to me.

Q. Do you make any effort to bring offenders against the laws of the United States to justice in cases in which no papers are sent to you to execute?—A. This depends on what the circumstances are.

Q. Please what circumstances are necessary to cause you to investigate offenses against laws of the United States?—A. I don't know exactly what the circumstances would have to be.

Q. Did you not swear that it depended on circumstances as to what offenses that you would investigate where no papers were sent to you to execute?—A. I think so.

Q. Then why did you swear that you did not know what the circumstances would have to be?—A. Because I did not know.

Q. When I asked you the question, "Do you make any effort to bring offenders against the laws of the United States to justice in cases in which no papers are sent to you to execute," you answered, "That depends upon what the circumstances are." Will you please now tell us what circumstances are necessary to cause you to investigate matters in such cases?—A. I do not know exactly.

Q. Will you tell us if you know what your duties as a United States marshal are?—A. I could not tell you exactly.

Q. Do you think that you or any other man ought to hold an office the duties of which you know nothing about?—A. I don't think so.

Q. Then why do you continue to hold the office of United States marshal?—A. Because I think I know something of the duties of the office.

Q. Then will you please tell us now what the duties are?—A. I told you that I did not know what all the duties were.

Q. Will you please tell us what the duties of your office are which you do know?—A. I would not pretend to enumerate all that I know about the duties of my office.

(Counsel insists that the notaries require the witness to answer the question.)

A. It is my duty to execute all papers that are sent to me to be executed; I do not know what other duties are attached to the office.

Q. Do you ever investigate offenses which are reported to you as violation of the United States law when no papers are sent to you to execute?—A. Not ordinarily.

Q. Please state whether or not this report that you say you heard was from such source as to cause you to believe that any such offense had actually been committed, or did it appear to be a mere rumor which lacked foundation?—A. I heard such report; don't know how much truth there was in it.

Q. Living as near as you were, would you not have heard more about it had it been true?—A. I do not know.

Q. You say that the report was only a rumor, and you do not now know whether it was true or not, do you?—A. I do not.

Q. Please tell us just what this rumor was.—A. I heard that the Red Shirts were going over the country shooting people down, and had taken some out and whipped them; this is all that I remember hearing.

Q. You stated in your direct examination that you knew of no intimidation or threats. You now mean to say that this report which you now speak of is a mere rumor that you never had confirmed?—A. I heard the report; I don't know whether it is true or not.

J. C. PARISH.

Sworn to and subscribed before us this February 27, 1899.

[SEAL.]

[SEAL.]

J. D. JOWERS,

A. D. MCLEAN,
Notaries Public.

E. L. McCORMACK, being duly sworn, deposes and says:

(Counsel for the contestee objects to the examination of the witness on the ground of insufficiency of notice and subpoena as appears on the face thereof.)

Q. Are you a duly qualified elector of the Sixth Congressional district of North Carolina, and were you so at the last election held for Congressman in said district?—A. I was.

Q. What is your precinct?—A. Maxton No., Robeson County, N. C.

Q. Did you attend the election held at that precinct in last November?—A. I did.

Q. Do you know anything which occurred in Maxton Township just preceding and during the said election which was calculated to intimidate voters at the same? (Objected to as too general and incompetent.)

A. Yes, sir.

Q. What was the nature of this intimidation?

(Objected to as too general and incompetent.)

A. Well, they amounted to individuals whom I had never known to carry pistols in their pockets and rifles in their storehouses in the town of Maxton. These were my personal observations with individuals that I had been intimate with for nearly a quarter century. Further, I was told by individuals of this town—

(Objection by counsel for contestee.)

I was told and assured by citizens of this town that if I affiliated with the Fusion party that I would not only be ostracized, but my entire household; further, I was informed two or three mornings preceding the election that the nights just preceding in several localities in the neighborhood—

(Counsel for contestee again objects to what is but hearsay testimony.)

(Counsel for contestant insists that as counsel for the contestee has established precedent that hearsay testimony shall be admitted.)

For two or three mornings preceding the election that many of the citizens were disturbed at their residences by pistol or gun shots many times around their houses. Sometimes their houses were hit. That is what I was told.

Q. Were there any considerable shipments of Winchester rifles and pistols just before the election?

(Counsel for the contestee objects, as incompetent and immaterial.)

A. I saw none in the depot, but saw some after they had been opened.

Q. Was there a crowd in this town and county who were known as Red Shirts?

(Objected to as immaterial.)

A. There was.

Q. Was there a crowd who were known as the White Government Union?

(Objected to as irrelevant.)

A. I think there was.

Q. What division of parties was there in the last election for member of Congress from this the Sixth district of North Carolina, and who were the candidates of each party?—A. The Democratic party was represented by J. D. Bellamy, the Fusion party by O. H. Dockery.

Q. Who constituted the Fusion party?—A. The Populist and the Republican parties.

Q. The members of what party constituted the Red Shirts and the White Government Union you before referred to?

(Objected to as irrelevant and incompetent.)

A. Democratic party.

Q. Was the report as you heard it that this shooting into and around the houses of citizens of this community said to be done at and into the houses of colored voters?

(Objected to, for that any answer would be merely hearsay and therefore incompetent.)

A. I think it was entirely.

Q. What ticket does the colored voters of this section, according to general reports, usually vote?

(Objected to as incompetent, as being hearsay.)

A. I would say without any hearsay that a majority votes the Republican ticket.

Q. Did you hear any remarks except what you have heretofore referred to in regard to ostracism made by the Democratic party, as to what they would do to carry the last election; and if so, what remarks?

(Objected to as incompetent.)

A. There was no disguising as to the manner of carrying the election; they said they were going to carry it.

Q. Did you hear them say anything about using Winchesters and shotguns to carry it?

(Objected to as incompetent.)

A. Yes; I did.

Q. Were you at any other precinct just prior to the election; if so, what precinct?—A. I was at Lumberton.

Q. Did you see any Red Shirt demonstration and hear any of these threats there?

(Objected to as incompetent.)

A. I saw the Red Shirt demonstration there during the fair. I was a member of the military company, and did not hear any threats on that occasion.

Q. Were you in Maxton on the day of the election last November?—A. Yes; all day.

Q. What was the color of the people whose houses were shot into and around, as before stated?—A. They were colored; that is what I was informed at the time.

(Answer objected to as hearsay and therefore incompetent.)

Q. Have you an idea how many of these houses were shot into and around at that time?

(Objected to, for the reason that the ideas are incompetent as testimony.)

A. I do not know, but I heard of different neighborhoods being disturbed.

Q. What did you see going on at Maxton on the day of the last election?

(Objected to as too general, and therefore incompetent.)

A. I saw parties from South Carolina around the polls pretending to take down the names of voters and stopping them and abusing them in their efforts to get to the polls. I further saw a squad of young men, and some not so young, intercepting colored men as they came into the different avenues and before they reached the polls.

Q. Were the men whom you saw intercepting colored men on their way to the polls conspicuously clothed in red shirts?

(Objected to as incompetent and immaterial.)

A. Many of them were.

Q. Were any of them armed?—A. I do not remember seeing any arms, but remember hearing pistol shots within 100 yards of the polls and a few paces of me.

Q. Were these the only shots you heard during the day in the town of Maxton?—A. Do not recollect now any others.

Q. Did you see men riding out of the town at rapid speed with red shirts on on the different streets of the town?

(Objected to as immaterial.)

A. Do not recollect.

Q. Do you know how many white voters were registered in Maxton precinct No. 1?

(Objected to as incompetent, the registration books being the best evidence.)

A. Do not recollect.

Q. Do you know whether all, or nearly all, of the white voters who were registered at the said precinct voted?—A. I can't say they all, but nearly all of them voted. This is based on the list taken at the polls.

Q. Did all the colored voters who were registered at said precinct vote? If not, how many did not?

(Objected to as incompetent, the registration books being the best evidence.)

A. Comparing the poll list with the registration books there was about 130 or 140 who did not vote.

Q. Did you consider this riding over the country and shooting into and around houses intimidation of voters?

(Objected to for the reason that the alleged intimidation was merely hearsay, and for the further reason that the question is incompetent as being only the consideration in the mind of the witness and not evidence.)

A. I did.

Q. What was the intercepting of colored men, referred to by you in your testimony heretofore?

(Objected to as incompetent, being a mere expression of opinion on the part of the witness.)

A. Those that turned and left looked as though they were intimidated.

(Answer objected to as an expression of opinion only.)

Q. What occurred at the close of the polls on the evening of the election?

(Objected to as being too general and incompetent.)

A. I was assaulted, but not hurt.

Q. Did this occur during the counting of the ballots and in the presence of the judges of the election?

(Objected to as incompetent and immaterial.)

A. It did.

Q. Was it done by Red Shirts?

(Objected to as immaterial as to whether it was Red Shirts or Blue Shirts.)

A. I know they were Democrats; one had a red shirt and the other a white shirt.

Cross-examination by COUNSEL FOR CONTESTEE:

Q. To what political party do you belong to?—A. I am an Independent.

Q. What are the political principles of an Independent?—A. To vote for what measure he sees fit, and for whom he sees fit.

Q. What ticket did you vote at the last election?—A. I voted the Fusion ticket.

Q. What principles did it represent?—A. The people versus monopoly.

Q. What is the difference between a Fusionist, a Populist, and a Republican?—

A. It strikes me that you can make a Fusionist out of almost any voter if he has sense enough to combine with other voters.

Q. How much sense would be necessary for that purpose?—A. I answered it in the preceding answer.

Q. Do you believe in the principles of the Republican party?—A. Some things I agree with the Republican party; on others I do not.

Q. Were you a candidate at the last election. If so, for what office?—A. Yes; for county commissioner.

Q. You stated in your direct examination that there were individuals in Maxton whom you had known for a quarter of a century who never carried pistols in their pocket, but who had them the last election. Give the names of these individuals.—A. One of the men was John Leach. I inferred from what he told me that he had a pistol.

Q. Did you have a gun or a pistol?—A. I did not; I have no gun or pistol at my house.

Q. What caused you to infer that John Leach had a pistol?—A. He showed me his gun, and talked as if he would be ready for action at any time.

Q. You stated that there were individuals in this town that told you that if you affiliated with the Fusion party that you and your household would be ostracized. Who were those individuals?—A. Mr. Archie A. McLean, and H. C. Afford.

Q. Was the Fusion party in such bad odor as it would cause your lifelong friends to ostracize you and your household?

(Objected to by counsel for contestant as irrelevant.)

A. No, sir; that was just campaign talk.

Q. Were you intimidated and prevented from voting?—A. I was not intimidated, and I voted.

Q. You stated in your direct examination that for several mornings before the election several citizens were disturbed by shooting at and around their residences. Please give the number and names of these citizens.—A. I don't recollect the names of all of them; I recollect the names of Randle Smith and John Baker; these are all I recollect.

Q. Were these citizens prevented from voting on the day of election by intimidation?—A. I do not know.

Q. Do you not know that John Baker voted on the day of election?—A. I do not.

Q. Do you know that any voter who you say had been intimidated before the election appeared and attempted to vote and was intimidated and prevented from voting?—A. I do not.

Q. Can you name any elector who attempted to vote on the day of election and failed to vote on account of intimidation?—A. I can not.

Q. Do you know it to be a fact that any elector who came to the election and offered to vote for O. H. Dockery for Congress was prevented by intimidation from doing so?—A. I did not know of any at the polls.

Q. Do you know of any who were not at the polls who failed to vote on account of intimidation?—A. I can not name any.

Q. Do you know it to be a fact that the house of any elector was shot at or into just prior to the election? If so, name them.—A. Not of my own knowledge or personal observation.

Q. You stated in your direct examination that you were at Lumberton just prior to the election where there was a Red Shirt demonstration; how long before the election was this demonstration?—A. It was on the 28th day of October, 1898.

Q. Was not this demonstration that you refer to a gathering of the citizens of Robeson County to see an agricultural fair and hear a political speech?—A. I think it was to hear a political speech.

Q. Was there not an agricultural fair in progress there at the time?—A. There was.

Q. You stated that you were at that time a member of a military company. Was not your military company invited to attend the fair by the president of the Fair Association?—A. It was.

Q. Was it there for the purpose of intimidating anybody?—A. Not that I know of.

Q. Were you there for the purpose of intimidating anybody?—A. I was not.

Q. Did you see any intimidation there on that day?—A. I did not.

Q. You stated in your direct examination that you saw parties from South Carolina at the polls at Maxton on the day of election stopping and abusing voters in their efforts to get to the polls. How many of these men were there, and did they intimidate and prevent any qualified voter who approached the polls and attempted to cast his ballot from doing so?—A. There were four of them; I don't know that they prevented anyone from voting.

Q. How many did they stop and abuse?—A. I was one that was abused; I saw at least one-half dozen stopped.

Q. Do you know that any one of this half dozen that you say were stopped who approached the polls or attempted to approach the polls to cast his vote and was prevented from doing so?—A. I do not.

Q. Do you know whether this half dozen was stopped before or after they voted?—A. I don't know; I think it was before.

Q. I did not ask you to say what you thought, but I asked you if you knew whether or not this half dozen were stopped before or after they voted. Will you please now answer this question?—A. I do not know.

Q. You stated in your direct examination that you saw a squad of young men, and some not so young, intercepting colored men as they came from the different avenues of the town and before they reached the polls. How many of these colored men were thus intercepted, and how far from the polls were they intercepted?—A. The distance was from 50 to 200 yards. I recollect four distinct parties and I think there were several others.

Q. Can you not say about how many there were?—A. I can not; I recollect four.

Q. Were there as many as ten altogether?—A. I do not know.

Q. Was there more than six?—A. I do not know.

Q. Do you know that any one of these colored men, whom you say you saw intercepted, approached the polls or attempt to approach the polls and cast his ballot and was prevented by violence or intimidation from doing so?—A. I do not know.

Q. Who were the four that you say you knew?—A. I know the name of one of them. I knew James Campbell; don't remember the others.

Q. You stated in your direct examination that 130 to 140 colored voters registered in this precinct failed to vote in the last election; do you know that any one of this number approached the polls or attempted to approach the polls for the purpose of depositing his ballot and was prevented by violence or intimidation—was prevented from doing so?—A. I do not.

Q. Do you know that any one of them attended the place of election for the purpose of voting?—A. I do not.

Q. Do you know that any elector of Maston precinct who desired to vote was prevented by violence or intimidation from doing so?—A. I do not.

Q. You stated in your direct examination that you considered riding through the country and shooting into and around houses was intimidation of voters; do you know that any such conduct was engaged in, and if so, do you know of any voters thus intimidated?—A. I do not know, and I do not know of any voter thus intimidated.

Q. You stated in your direct examination that the intercepting of colored men, referred to by you in your testimony heretofore, caused them to look as though they were intimidated?—A. They acted as though they were frightened, and ran.

Q. You stated in your direct examination that you were assaulted after the polls were closed. Who assaulted you, and in what way?—A. A. C. McKinnon and T. L. Smith assaulted me by taking hold of me and putting their hands in my pockets.

Q. Did they attempt to injure you in any way?—A. I so considered it.

Q. Did they injure you in any way?—A. They did not.

Q. Did this alleged assault prevent you or any other Fusion voter from voting?—A. It did not; the polls were closed.

Q. Did it prevent a proper counting of the ballots?—A. Not that I know of.

Q. Were not four out of the six judges at this election in the precinct Fusionist, the partisan supporters of O. H. Dockery?—A. Yes; there were three of them who were Fusionist; the fourth one I thought was.

Q. Were not the election machinery and the officers created by and under the control of the Fusionists in the last election in Robeson County?—A. Yes.

Q. Was not the election in this precinct, so far as you know, conducted fairly and honestly?—A. Yes.

(Counsel for contestee here closed cross-examination.)

E. L. MCCONNELL.

Sworn to and subscribed before us this February 27th day of, 1899.

[SEAL.]

J. D. JOWERS,

[SEAL.]

A. D. McLEAN,

Notaries Public.

RENDLE EVANS, being duly sworn, deposes and says:

Q. Where do you live?—A. Across the river, in Lumberton Township.

Q. Were you a registered voter in one of the precincts in Lumberton Township at the last election?—A. Yes.

Q. Was there a demonstration by the Red Shirts in the town of Lumberton just prior to the last election.

(Counsel for the contestee objects to the question as being incompetent and immaterial.)

A. Yes.

Q. Did you hear of any threats being made against colored voters in this community just prior to the last election?

(Objected to as incompetent and for the reason that any answer would be mere hearsay.)

A. Yes, sir.

Q. Were you not threatened with dismissal from the service of your employees if you did not stay away from the election or vote the Democratic ticket?—A. Yes, sir.

Q. Were you not dismissed from service by the employers who so threatened you because you did not comply with their request, and was not this dismissal before the day of election?

(Objected to as immaterial.)

A. Yes, sir.

Q. Do you know of any other colored voters who were in any way threatened on account of their intention to vote the Fusion ticket?—A. I know one besides myself.

Q. What ticket does the colored people of this county usually vote?

(Objected to as incompetent and immaterial.)

A. The Republican ticket.

Q. In the last election what candidate for Congress in this district was voted for by the members of the Republican party in this county?

(Objected to for the reason that any answer of the witness could only be an expression of opinion, and therefore incompetent.)

A. Col. Oliver H. Dockery.

Cross-examination by counsel for contestee:

Q. You stated in your direct examination that there was a demonstration by Red Shirts in the town of Lumberton just prior to the last election; what is a demonstration?—A. Where there was no Red Shirts here before that time there were some just before the election.

Q. Is that what you mean by a demonstration of Red Shirts?—A. I mean that there was a large number of men here in red shirts.

Q. When was this alleged demonstration of Red Shirts that you spoke of?—A. A short while before the election in October, 1898.

Q. What were these men, whom you say had on red shirts, doing in Lumberton on that day?—A. They were parading the streets.

Q. Were you not parading the streets on that day?—A. No, sir.

Q. Do you not know that this alleged demonstration spoken of by you was a peaceable gathering of the citizens of this county to see an agricultural fair and to hear a political speech?—A. No, sir.

Q. Was there not an agricultural fair in progress at this town at that time?—A. I do not know, sir.

Q. Did you not see and hear that there was such a fair in progress?—A. I had heard that there was a fair in progress that week.

Q. Do you not know that there was a political speech made to the citizens of this county on the court-house grounds on that day?—A. I did.

Q. Did you not hear that the crowd present on that day came for the purpose of hearing that political speech?—A. No, sir.

Q. Did you see any intimidation of voters by the people who were assembled here on that day?—A. Only Red Shirts.

Q. Did you see any of the Red Shirts intimidating voters here on that day?—A. Only in display, marching up and down the streets hollering.

Q. What were they hallowing?—A. They were just hallowing "Hurrah!"

Q. Did this hurrahing intimidate you or prevent you from voting as you chose?—A. It did not me.

Q. Did you not vote on the day of election in accordance with your own wishes?—A. I did.

Q. Do you know of any colored voter who was prevented by the gathering of the crowd to hear the political speech on that day from voting as he wished to vote?—A. No, sir; I do not.

Q. Would the wearing of red shirts by any man or set of men intimidate you in such manner as to prevent you from voting in such manner as you choose?—A. The wearing of a red shirt would not.

Q. Do you know of any man who was a voter in this community that was or could be intimidated by the wearing of red shirts on the part of other men?—A. I don't know of any except what others told me.

Q. Give me the names of the voters who told you that they were intimidated by the wearing of red shirts by other people.—A. Luther Monroe; that is all.

Q. Did not Luther Monroe attend the election and vote?—A. Yes; he told me he did, and voted the Democratic ticket.

Q. Do you know of any elector in Lumberton precinct who approached the polls, or attempted to approach the polls, for the purpose of depositing his ballot that was driven away, or by violence, intimidation, or threats prevented from voting according to his own wishes?—A. No, sir; I do not.

Q. Was the election in Lumberton precinct conducted quietly, peaceably, honestly, and fairly, so far as you saw or knew of?—A. Yes, sir; so far as I know of.

Q. Was it not a fact that white men, negroes, and Croatsans voted in Lumberton precinct on the day of election?—A. I do not know.

Q. Was it not a fact that four of the six judges of the election in Lumberton precinct were Fusionist?—A. The only two I knew were D. P. Allin, Republican, and E. G. Johnson, Populist.

Q. You state in your direct examination that Col. O. H. Dockery was the Fusion candidate for Congress in the district; what do you mean by Fusion candidate?

(Counsel for contestant objects to the question on the ground that this witness did not so state in his direct examination.)

A. I did not say that.

Q. Was there any Fusion candidate for Congress in this district; and if so, who was he?—A. I do not know.

Q. Do you not know that many of the colored voters were dissatisfied with the ticket put up for them to vote for in Robeson County, and stated that they would not support it?—A. I know of a few.

Q. You stated in your direct examination that you heard of threats being made against colored voters of this county just prior to the last election; give the names of the party who made these threats; the names of parties who were threatened, and what the threats were?—A. Jake Powel.

Q. Who threatened him; C. D. Townsend?—A. He told him that he would have to not go to the polls and vote that Fusionist ticket; if so, he would lose his employment. He was a drayman. I don't know of any others.

Q. You stated that you were threatened with dismissal from the service of your employer if you did not stay away from the polls or vote the Democratic ticket. Did this have the effect of intimidating you, or preventing you from voting as you chose?—A. It did not.

Q. You stated in your direct examination that there was a demonstration of Red Shirts before the election. Was there any demonstration of colored folks in the town of Lumberton just before the election?—A. No, sir; if that demonstrates one, it does not demonstrate the other.

Q. Was there not a political gathering and a political speech by and for the colored people in the court-house on one or more occasions?—A. There was one speech for them and one gathering by them.

Q. Did they holler and hurrah?—A. I think so.

Q. Who made the speech on that occasion?—A. Dr. R. M. Norment.

(Counsel for the contestant protests against the consumption of the time of the court by the counsel for the contestee in asking questions of the witnesses which are not germane to the case. Counsel for contestee tender their thanks to the counsel for the contestant for suggestions made by him and express the hope that counsel for contestant will in the future conduct the examination of his witnesses by asking them competent and relevant questions, so that counsel for contestee would not feel required to take up their own time and the time of their witnesses in trying to extract out of the multitude of hearsay, general, and incompetent answers of the contestant's witnesses. Counsel for contestee said the question just asked the witness was intended to show that Dr. R. M. Norment was an independent Republican candidate for Congress in this district in opposition to the fusion candidate, O. H. Dockery, and that the result of the election was affected thereby.)

Q. Was not Dr. Norment an independent Republican candidate for Congress in this district in the last campaign?—A. Not that I know of.

Q. Did you not see the announcement of this fact by him in the newspapers?—A. Yes, sir; I saw the advertisement in the papers.

RANDAL EVANS.

Sworn to and subscribed before us this the 28th day of February, 1899.

[SEAL.]

J. D. JOWERS,

[SEAL.]

A. D. MCLEAN,

Notaries Public.

J. N. BUIC, being duly sworn, deposes and says:

Q. What office do you hold in Robeson County?—A. Register of deeds.

Q. Have you the returns of the votes cast for Congressmen in Robeson County at the election held in November, 1896, and also at the election held for Congressmen in said county at the election held in 1898?—A. Yes, sir; I have.

Q. Will you give us the number of votes cast for Congressmen in each precinct in Robeson County at the election held in November, 1896; the names of the candidates who were voted for as Congressmen and the number of votes that were cast for each, as is shown on the book of returns on file in your office?—A.—

Precinct.	Democratic, J. A. Lock- hart.	Fusion, Charles H. Martin.
Lumberton No. 1.....	163	200
Back Swamp.....	88	181
Wisharts.....	67	93
Alfordsville No. 1.....	46	111
Burnt Swamp No. 2.....	22	61
Lumberton No. 2.....	28	17
Maxton No. 2.....	33	91
Lumberbridge No. 1.....	119	117
St. Pauls No. 1.....	90	89
Britts.....	48	186
White House No. 2.....	63	61
Thompson No. 3.....	131	109
Alfordsville No. 2.....	61	110
Saddletree.....	59	94
Howellsville No. 2.....	55	45
Lumberbridge No. 2.....	114	177
Howellsville No. 1.....	51	88
Thompson No. 2.....	77	169
Blue Springs No. 1.....	85	157
Blue Springs No. 2.....	89	55
Red Springs No. 2.....	85	96
Red Springs No. 1.....	67	106
White House No. 1.....	128	67
Burnt Swamp No. 1.....	44	160
Thompson No. 4.....	36	83
Smiths No. 2.....	38	139
Sterlings No. 2.....	17	146
Roft Swamp.....	15	97
Sterling No. 1.....	40	45
St. Pauls No. 2.....	31	100
Martin No. 1.....	154	255
Smiths No. 1.....	56	155

Returns for the election held November, 1898.

Precinct.	Democratic, Bellamy.	Fusion, Dockery.
Alfordsville No. 1.....	90	82
Alfordsville No. 2.....	89	115
Back Swamp No. 1.....	181	142
Burnt Swamp No. 1.....	59	135
Burnt Swamp No. 2.....	22	64
Blue Springs No. 1.....	101	119
Blue Springs No. 2.....	116	65
Britts No. 1.....	134	155
Howellsville No. 1.....	94	98
Howellsville No. 2.....	76	22
Lumberton No. 1.....	277	147
Lumberbridge No. 1.....	52	10
Lumberbridge No. 2.....	155	86
Maxton No. 1.....	148	118
Maxton No. 2.....	191	174
Rofts Swamp No. 1.....	54	74
Red Springs No. 1.....	48	61
	128	111

Precinct.	Democratic, Bellamy.	Fusion, Dockery.
Red Springs No. 2.....	138	79
Saddletree No. 1.....	98	72
Smith No. 1.....	90	117
St. Pauls No. 1.....	126	68
St. Pauls No. 2.....	67	107
Sterlings No. 1.....	71	19
Sterlings No. 2.....	71	132
Thompsons No. 1.....	54	79
Thompsons No. 2.....	149	104
Thompsons No. 3.....	235	137
Wisharts.....	162	46
White House No. 1.....	109	19
White House No. 2.....	134	66

Cross-examined by COUNSEL FOR CONTESTEE:

Q. Does the book that you have in your possession, and from which you have just given the returns for the years 1896 and 1898, contain the returns of election for Congress from the different precincts of Robeson County for the elections held during the years 1894, 1892, 1890, 1888; and if so, give the name of each candidate and the number of votes cast for each at each election precinct in Robeson County for the election held for Congressmen for each of said years, respectively?—A. This book does contain said returns. For the election of 1894, returns are as follows:

	Democratic, J. A. Lockhart.	Fusion, C. H. Martin.
Alfordsville	98	44
Back Swamp.....	70	174
Lumberton.....	205	81
Britts.....	42	187
Burnt Swamp.....	48	179
Saddletree.....	49	66
Wisharts.....	64	104
Blue Springs.....	250
Roft Swamp.....	27	89
St. Pauls.....	116	165
Sterling No. 2.....	28	148
Sterling No. 1.....	28	30
Maxton.....	160	15
Howellsville.....	88	161
Lumber Bridge.....	186	149
Red Springs.....	143	110
White House.....	133	74
Thompsons.....
Total	775	1,776

* J. L. Mathewson received 12 votes at Maxton.
† No returns were made.

For the election for 1892 the returns are as follows. The candidates were S. B. Alexander, Democrat, and Dr. A. A. Manard, Fusion:

	Democratic, S. B. Alexander.	Fusion, A. A. Manard.
Alfordsville.....	100	105
Back Swamp.....	50	179
Britts.....	80	187
Burnt Swamp.....	44	212
Lumber Bridge.....	24	93
Wisharts.....	25	135
Red Springs.....	115
St. Pauls.....	75	17
Sterling No. 2.....	117	112
Sterling No. 1.....	12
Maxton.....	10	21
Howellsville.....	10	75
White House.....	10	98
St. Pauls.....	10	66
Thompsons.....	10	140
Smith.....	119	145
Saddletree.....	35	41
Wisharts.....	160	154
Maxton.....	164	171
Blue Springs.....
Total	2,550	2,299

S. B. Alexander, Democrat, and Dr. R. M. Norment, Republican, were the candidates for 1890:

	Democratic, S. B. Alexander.	Republican, Dr. R. M. Norment.
Wisharts	101	18
Shoe Heel	136	145
Sterling, No. 2	89	27
Sterling, No. 1	54	9
Alfordsville	136	121
Burnt Swamp	70	225
Red Springs	190	95
Thompsons	268	234
Howellsville	173	61
St. Pauls	191	186
Back Swamp	167	97
Britts	131	43
White House	160	81
Smiths	115	183
Blue Springs	150	146
Lumber Bridge	122	143
Lumberton	161	230
Total	2,424	1,964

Alford Rowland, Democrat, and Charles P. Lackey, Republican, were the candidates in 1888. The returns were as follows:

	Democratic, Alford Rowland.	Republican, Charles P. Lackey.
Alfordsville	201	149
Back Swamp	172	116
Blue Springs	166	115
Britts	111	113
Burnt Swamp	97	237
Howellsville	210	49
Lumberton	244	195
Lumber Bridge	277	146
Red Springs	116	110
St. Pauls	212	101
Shoe Heel	156	264
Smiths	151	185
Sterling	168	41
Thompsons	279	268
White House	202	63
Wisharts	91	33
Total	2,853	2,205

Q. In the list of townships given by you in which returns were made for the years 1890 and 1888 you give Shoe Heel township by name; in the election returns since 1890 you give Maxton township. Was not this difference in the name of township caused by the changing of the name of Shoe Heel township to Maxton township?—

A. Yes.

Q. Do you not know that there were some citizens of Robeson County who wore a uniform consisting of a red shirt, as a simple uniform of a legal political club?—A. Yes, sir.

Q. Was said uniform used or worn for any illegal or secret purpose?—A. No, sir.

Q. Do you know of any intimidation of voters by the wearers of red shirts?—A. I do not.

Q. Were you not a member of a political club known as the White Government Union?—A. Yes, sir.

Q. Do you not know that, according to the constitution and by-laws of these clubs, that they were organized openly—without secrecy—for the purpose of encouraging the promotion of good government by only legal methods?—A. Yes, sir.

Q. Do you not know that numbers of the citizens of Robeson County who had in previous elections affiliated with the Republican and Populist parties joined these clubs, along with other citizens who had previously affiliated with the Democratic party?—A. Yes, sir.

Q. Do you not know that, in addition to white voters, that a large number of Croatoons, who had theretofore affiliated with the Republican party, joined these clubs and wore the buttons and shirts, the emblems of these clubs?—A. Yes, sir.

Q. Do you not know that a large number of colored voters, negroes, who had previously affiliated with the Republican party, stated that, there being no regular Republican ticket, but only a mongrel Fusion ticket, composed mainly of so-called Populists, they would not vote said Fusion ticket, but stay away from the polls or vote the Democratic ticket?—A. Yes, sir.

Q. Do you not know that a large number of former Populists were dissatisfied with the Fusion administration in North Carolina, and stated that they could not further affiliate with the Fusionists?—A. Yes, sir.

Q. Do you not know that a large number of former Populists voted the Democratic ticket in the last election?—A. Yes, sir.

Q. Do you not know of a number of former Republicans who voted the Democratic ticket in the last election?—A. Yes, sir.

Q. Do you not know that the Republicans of Robeson County held no regular convention and nominated no regular Republican ticket?—A. I know that by what others told me; I never heard of one.

Q. Do you not know that O. H. Dockery, this contestant, on account of his former connection with the Fusion administration, was distasteful to some Republicans in this county?—A. I know that by Republicans telling me so.

Q. Do you not know that said O. H. Dockery was distasteful to a large number of former Populists?—A. A great many Populists told me so.

Q. Do you not know that Dr. R. M. Norment, a leading Republican of Robeson County, canvassed this county during the greater part of the last campaign as an Independent Republican candidate for Congress in this district, declaring from the stump his opposition to O. H. Dockery, the Fusion candidate, and exhorting Republicans not to support the said O. H. Dockery because he was not a Republican?—A. He was canvassing this county, while his card was in the paper announcing that fact.

Q. Do you know of any elector who was prevented from voting by intimidation at the last election?—A. I do not.

Q. Did you not canvass Robeson County and all the precincts thereof in the last election, and did you not find from personal contact with the voters, not only among former Democrats but among former Populists and Republicans, that the Fusion administration was unpopular and distasteful?—A. I did canvass Robeson County and all the precincts in the last campaign, and found such a sentiment.

(Counsel for contestee here closes the cross-examination of this witness.)

J. N. BUTCH.

Sworn to and subscribed before us this the 1st day of March, 1899.

[SEAL.]

[SEAL.]

J. D. JOWERS.

A. D. MCLEAN.

Notaries Public.

S. A. EDMUN, being sworn, deposes and says:

Q. Where do you reside?—A. At Lumberton, in Robeson County.

Q. Were you a candidate for any office at the last election held in November, 1898, in Robeson County; and if so, for what office and on what ticket?—A. Yes; I was a candidate for the office of clerk of superior court of Robeson County on the Fusion ticket.

Q. Who was the candidate in this the Sixth Congressional district of North Carolina at said election for Congress on the Fusion ticket?—A. Oliver H. Dockery.

Q. Of what parties was the Fusion party at said election composed?—A. The People's Party and the Republican party.

Q. Has it not been a fact that the colored voters of Robeson County for a number of years and up to and during this election attempted to or wished to vote the Republican or Fusion ticket?

(Counsel for the contestee objects to the question as incompetent, and for the reason that any answer of the witness would be a mere expression of opinion not within his own knowledge.)

A. I know it to be a fact that in elections heretofore the colored people uniformly voted the Republican ticket; at the last election I have been informed that some 200 or more colored people voted the Democratic ticket; in 1894 and 1896 we had a Fusion ticket in this county; at those elections I never heard of any colored people voting the Democratic ticket.

(Counsel for the contestee objects to answer as not in response to the question and as mere hearsay and incompetent.)

Q. Was not the Fusion party you have referred to as having been in Robeson County at the elections held in 1894 and 1896 composed of the People's Party and the Republican party the same as it was at the election held in 1898?

(Objected to as incompetent and immaterial.)

A. Yes; the Fusion party was composed of the People's Party and the Republican party in 1894, 1896, and 1898.

Q. Did you canvass Robeson County during the political campaign which preceded the election held in 1898?—A. I did.

Q. Did you visit in said canvass each township in the county?—A. No; I was sick part of the time, which prevented me from attending some of the speaking. I missed Maxton, Thompsons, and Alfordsville and Red Springs. I think I visited all the other precincts.

Q. Did you not converse during said campaign with quite a number of the citizens and voters of these townships (Maxton, Thompsons, Alfordsville, and Red Springs), though you did not attend the speaking held in them?

(Objected to as incompetent and immaterial.)

A. Yes; I was chairman of the People's Party executive committee of this county, and we had a township committee in each township, and that committee reported to me the condition of things regularly in their townships from time to time, and I frequently conversed with parties from the different townships, and more particularly those.

(Answer objected to as not in response to the question and irrelevant.)

Q. Was Dr. R. M. Norment a candidate on the Fusion ticket at the election held in 1898; and if so, for what office?—A. Yes; Dr. R. M. Norment was a candidate for a seat in the house of representatives of North Carolina.

Q. Did he not advocate the election of O. H. Dockery to Congress.

(Objected to as immaterial and incompetent.)

A. Yes, in some places he did; he defended him on the stump in his speeches. At the beginning of the campaign Dr. Norment was an independent candidate for Congress himself, but later he was nominated by the People's Party convention as a candidate for the legislature, and accepted the nomination and canvassed the county in the interest of the Fusion ticket.

Q. Do you not know that there was a mass meeting of the Republican voters of the county of Robeson which appointed a committee to confer with the convention of the Populist party and to name with them a Fusion ticket?

(Counsel for the contestee objects to the question as incompetent and irrelevant.)

A. I know that the Republicans held a mass meeting. I was not present in the meeting, but was informed by leading Republicans that the convention decided to make no nominations, but appointed a committee to name part of the ticket and confer with Populists and arrange fusion, and instructed to cooperate with the Populists.

Q. Did you see any Red Shirts in the campaign?

(Counsel objects to the question as incompetent and irrelevant.)

A. Yes; I saw quite a number worn by the Democrats.

Q. Was it reported that there was such an organization as the White Government Union; and if so, of what party was it reported to be composed?

(Objected to as incompetent and irrelevant.)

A. Yes; the Democratic party was pretty thoroughly organized; they organized white union clubs in several precincts in the county, and I understood that every member of the club was a committee to solicit and win votes for the Democratic party; those were the fellows that wore badges and red shirts.

Q. Did you have any experience with Red Shirts and White Government Union clubs at Blue Springs; and if so, what was it?

(Objected to as incompetent and immaterial as to whether or not the witness had any experience with Red Shirts, White Shirts, Blue Shirts, or any other shirts.)

A. On the day of the speaking at Blue Springs, when I arrived on the ground I saw forty or fifty men with red shirts on; I was met by a half a dozen or so (men with red shirts on) before I arrived at the stand where the speaking was, who approached me and asked me if I had come there to make a speech. I told them that I was a candidate for office and that was my business there. Whereupon one of the party remarked to me that I could speak on conditions only; that I must not abuse the Democratic party or dispute any charges made by their candidates and confine myself strictly to the truth, otherwise they would take me down; that they, pointing to the other men with him, had been appointed as a committee to wait on me and impart this information. When my time came to speak the Red Shirt fellows, thirty or forty in number, gathered near the stand and formed a circle in front of me, and while I was attempting to speak this same crowd interrupted me by asking questions, threatening, and using insulting language.

Q. Did you hear any threats made during the campaign, just prior to or during the election, made by the candidates of the Democratic party as to what they would do to carry the election in favor of the Democratic party; and if so, what were these threats?

(Objected to as incompetent.)

A. I don't know that I heard any direct threats; I did hear one of the speakers, who was a candidate on the Democratic ticket, say in a public speech on two or three occasions that the Democratic party had determined to carry this election in North Carolina if they had to do it at the point of Winchester rifles.

(Answer objected to as hearsay and incompetent.)

Q. By whom was this declared and for what office was he a candidate?—A. Stephen McIntyre, who was then a candidate for the State senate.

Q. Is he not now a member of the State senate?—A. Yes; he is.

Q. Are not the colored voters of Robeson County, with a few exceptions, either tenants or laborers?

(Objected to as incompetent and immaterial.)

A. As a rule they are, the larger majority of them.

Q. Are not a great many of the members of the Populist party in Robeson County tenants?—A. I think quite a number of them are.

(Objected to as incompetent and immaterial.)

Q. Was there not a circular, purporting to be from the White Government Union, circulated in Robeson County, making threats as to tenants who did not coincide with their political views.

(Objected to for the reason that any answer of the witness could be only an expression of opinion and therefore incompetent.)

A. I saw posters circulated, several of which was handed to me. I have a copy here which reads as follows: "Notice to tenants.—The White Government Union has resolved, and every member has pledged himself, to stand up to this resolution: We will allow no one to live on our land who opposes our interests; each tenant will be closely watched and positive action taken at once; we will give the preference in work or renting who are with us or take no part November 4, 1898.—Carolina Record print, Red Springs, N. C."

Q. Were the copies of this notice which were handed to you given to you by Democrats, Populists, or Republicans?

(Objected to as incompetent and immaterial.)

A. My recollection is that they were handed to me by members of the Fusion party, either Populist or Republican; some of them stating that they found them posted on the roadside.

Q. Does the date of this notice appear to be just prior to the last election?

(Objected to for the reason that the notice itself has been given in evidence in full and is the best evidence of what it contains.)

A. Yes; about four days.

Q. Do you know whether or not there was a newspaper known as the Carolina Record, purporting to be published at Red Springs, N. C., just prior to the last election; and if so, what political party did it champion?

(Objected to as incompetent and irrelevant.)

A. There was a paper published at Red Springs at that time. It was a Democratic paper. I don't remember the name.

Q. Have you an idea of the number of registered colored voters of Robeson County who did not vote at the election held in November, 1898?

(Objected to the question for the reason that the ideas or the imaginations of witnesses are competent evidence and for the further reason that the registration books are the best and proper evidence of the facts.)

A. Yes; upon referring to the registration books of Robeson County I find that about 800 registered colored voters are not checked on the books as having voted at that election.

(Answer objected to for the reason that no books are exhibited and for the further reason that registration books do not show and are not required to show the number or names of voters who do or do not vote at any given election.)

Q. Have you an idea of the number of voters who belong to the Populist party who did not vote at the election held in November, 1898?

(Counsel for contestee objects, for the reasons that the ideas and opinions of the witness are wholly incompetent, and for the further reason that the registration books, even if they had been examined by the witness, do not show and are not required to show the politics of those who voted or those who did not vote.)

A. Only as I estimate from my knowledge of the people, who, I was informed, did not turn out to the election, which numbered between three to four hundred.

Cross-examined by COUNSEL FOR CONTESTEE:

Q. To what political party do you now belong?—A. The People's Party.

Q. Do you believe in the principles of the Republican party?—A. Some I accept and some I do not.

Q. What do you accept, and what do you not accept?—A. So far as State politics is concerned I believe in a fair, impartial, and honest election; I believe that every man should have the right to cast his vote for the party and candidates of his own choice, without being intimidated or terrorized by any other person or persons; that I understand to be one of the principles enumerated by the Republican party of North Carolina—this I accept. As regards national politics, I am opposed to the adoption of the single gold standard and the perpetuating of the present national banking system as banks of issue and taxing out of existence the State bank system.

Q. Did you not have and did you not exercise, in the last elections the power of appointing the judges of elections for Robeson County?—A. Partially; myself, as clerk of the supreme court, together with the register of deeds, and the chairman of the board of county commissioners, had the power to appoint and did appoint registrars and judges of elections.

Q. Were not all these officers Fusionist?—A. They were.

Q. Are you the same S. A. Edmunds, who, as chairman of the People's Party, on the night of the last election sent a telegram to Cyrus Thompson, State chairman, in substance as follows: "Fusion is beaten?"—A. Yes; I presume so.

Q. You stated in your direct examination that the colored voters of Robeson County uniformly voted the Republican ticket; do you know of your own knowledge how any colored man voted; and if so, give us their names?—A. I do; I have attended several elections; I have seen numbers of colored men vote; I never saw one vote a Democratic ticket, but always the opposite; it is impossible at this time for me to name a large number of those I have seen vote.

Q. Did you not state in the last campaign that Dr. R. M. Norment was the heaviest load that the Fusion ticket had to carry?—A. I don't recollect that I made that particular statement during the campaign; I did complain at some remarks made by Dr. Norment at certain places addressing the voters; I myself encouraged the negroes to turn out on the day of the election and vote, telling them that the Democrats was playing a bluff game and that they would not be molested; Dr. Norment, the Republican leader and the man who the masses of the negroes looked to as their leader, stated in his speech that the Red Shirts and the importation of Winchester rifles into the county meant blood; at this I complained; I discovered that the negroes were scared, and those remarks coming from Dr. Norment, as I thought, would have a tendency to scare them worse.

(Counsel for the contestee objects as not being in response to the question.)

Q. You stated in your direct examination that in Blue Springs Township some parties with red shirts on waited on you and suggested the conditions upon which you could speak there. Were you prevented or intimidated from speaking at that place?—A. No; I spoke, but did not get in a full speech, not because of the suggestion, but because of the interruption.

Q. You stated in your direct examination that you estimated that about 800 colored voters failed to vote in the last election. Do you mean to swear that you know who voted in the last election in the various precincts of this county?—A. I do not.

Q. You stated in your direct examination that you estimated that between 300 and 400 Populists failed to vote in the last election in Robeson. Do you know what ticket that any man who did not vote would have voted if he had attended the election on that day?—A. I do not know, but I have an idea. The vote cast at the last election was a largely increased vote in the county, and shortly after the election I undertook to estimate the number of voters who failed to vote, in order to get at the exact number of voters in the county, and upon inquiry from citizens from various parts of the county, I learned that quite a number who professed to belong to our party failed to turn out to polls on the day of the election. In Bretts, one of our strongest precincts, I learned that there were over one hundred who failed to turn out. I learned that there was quite a number at Sterlings, Wisharts, Howelsville, Thompsons, St. Pauls, and Raft Swamp, and a few in other precincts.

Q. Have you sufficient intelligence to answer a simple question of your own knowledge without giving your idea? If so, please explain why you do not answer the questions as asked you?—A. I think I have sufficient intelligence to answer a question. If the counsel is not pleased with my answers, he can desist from asking further questions.

Q. Were those Populists who you say failed to attend the election negroes or white men?—A. Those I refer to as Populists strictly are white men.

Q. Is this book which I hand you the record of election returns on file in office of clerk of the superior court of Robeson County?—A. It is.

Q. Were you not clerk of the superior court of Robeson County during the last election; and if so, did you make out and record the returns for the election of Congressman in Robeson for said election?—A. Yes, I was clerk of the superior court of Robeson County at that time, and with assistance of my deputies I recorded the election returns.

Q. Please give from the record made out by you and now in your hand the total number of votes cast in Robeson County in November, 1898, for John D. Bellamy and O. H. Dockery for Congress.—A. It appears from the record that J. D. Bellamy received 3,522 and Dockery 2,822.

Q. Do you know of any voter who approached the polls, or attempted to approach the polls, for the purpose of voting at the last election who was prevented by violence or intimidation from depositing his ballot with the proper officers? If you know any, give their names.—A. Not one of my own knowledge.

Q. Were not a majority of the judges of election in every precinct in Robeson County Fusionists?—A. There was a majority appointed, but in some of them precincts they failed to serve, and their places was supplied by the election board of the precinct.

Q. Give the number of precincts at which these changes were made.—A. I am not prepared to do that.

Q. Then how do you know that those changes were made?—A. I received notices from some of those appointed, stating that they declined to serve, and in such cases, where I did not appoint myself, I instructed the precinct election board to make the appointment.

Q. By what majority was your opponent elected clerk of the superior court according to the returns made out by you?—A. Six hundred and sixty-seven votes.

S. A. EDMUND.

Sworn to and subscribed before us this the 1st day of March, 1899.

[SEAL.]

[SEAL.]

J. D. JOWERS,

A. D. McLEAN,

Notaries Public.

M. McLEOD, being duly sworn, deposes and says:

(A. W. McLean here protests and objects to the examination of this witness and the taking of any evidence in this cause for the following reasons: For that the contestant in his notice of contest as served on contestee expressly declares that he contests the election as the nominee of the Republican and Populist parties, and that he does not in said notice of contest claim that he was elected or has any right to the seat of contestee in Congress, though it should be determined that the contestee was not elected; and that the act of Congress does not contemplate and does not provide for the taking of testimony touching the validity of the Congressional election and the right of a member, to whom a certificate has been duly issued, to his seat at the suit of a defeated candidate who expressly disclaims any right to the seat and declares he was not elected.)

(Counsel for contestant, while admitting that contestee was represented by A. W. McLean as counsel, yet still he was not present in person. Counsel for contestant further insists that the contest shows that had a fair election without threats and intimidation been held in said district that the contestant O. H. Dockery, would have received a majority of the votes cast for Congressman for the Sixth district of North Carolina at the election held in November, 1898, and would consequently have been elected.)

Q. Where do you live?—A. I live in Blue Springs Township, Robeson County. (Counsel for contestee objects to the examination of this witness on the ground of the insufficiency of the notice and subpoena as appears on the face thereof.)

Q. Did you accept service of notice to appear at this place this day under this subpoena?—A. I did.

Q. Were you an officer of election in Blue Springs Township at the election held in said township in 1898; If so, what office did you hold?—A. I was chairman of the board of registration and also chairman of the board of election.

Q. What candidates were voted for for Congress at your precinct at said election and to what parties did they respectively belong?—A. O. H. Dockery for the Fusion party and John D. Bellamy for Democratic party.

Q. Was there such an organization in your township, or did you hear of such an organization as the White Government Union, and did they not wear as a badge a certain kind of a button, and most of them, on political occasions, a red shirt?

(Counsel for contestee objects to the question as wholly incompetent and irrelevant.)

A. Yes.

Q. Were not threats made against you by Red Shirts in regard to the registration book of your precinct for said election?

(Objected to as incompetent.)

A. There were two gentlemen friends of mine who said that they were members of the White Union. We have come to see you at the suggestion of our union to advise you not to go to the election, saying that the excitement is running very high and we don't think it would be safe for you to go to the election.

Q. Did these parties who came to you, and did not all the parties whom you saw with particular kind of a red shirt on, just before and during the election held in November, 1898, belong to the Democratic party. (Objected to as incompetent and irrelevant.) A. The badge that they were stated that they belonged to the White Government Union, and they claimed to be Democrats.

(Counsel for contestee objects to the answer as incompetent and irrelevant, and for the further reason that any statement made by a badge is not evidence.)

Q. Were you at the speaking held in Blue Springs Township just prior to the election held in November, 1898; and if so, were not a great number of men present

conspicuously clothed in red shirts. (Objected to as incompetent and immaterial.)
 A. Yes, I was at the speaking; a number of white people were clad in red overshirts and some few had them under their coats. The greater portion of those in their red flannel cussed and abused the Fusion candidates, and disturbed the speaking to such an extent that I left before the speaking closed.

(Answer objected to as incompetent and not in response to the question.)

Q. How many colored voters whose names appeared on the registration books of your precinct failed to vote at said election?

(Objected to as incompetent; the registration books being the best evidence of the fact.)

A. I can not tell you the exact number, but a large per cent of the colored voters did vote.

Q. For what party do the colored voters of your precinct usually vote?

(Objected to as incompetent, for the reason that any answer of the witness could only be an expression of opinion and therefore not evidence.)

A. The Republican party.

Q. Was not the Fusion party in the Sixth Congressional district at the election held in November, 1898, composed of the Populist and Republican parties?

(Objected to as irrelevant and incompetent.)

A. Yes.

Q. Did not quite a number of avowed Populists fail to vote at said election who were registered in your precinct?

(Objected to as incompetent.)

A. Yes.

Q. Can you give an estimate of the Populists who so failed to vote?

(Objected to as incompetent, for the reason that the mere estimates of the witness are not evidence.)

A. I don't think there were more than a dozen.

Q. Was there not general intimidation practiced by the Democratic party under the various names of White Government unions and Red Shirts, practiced against the voters of the Populist and Republican parties for several weeks prior to and during the day of election in November, 1898, in your precinct?

(Objected to as wholly incompetent for the reason that any answer of the witness could only be an expression of opinion and, therefore, not evidence.)

A. Yes.

Q. What was the nature of this intimidation, so far as you know?

(Objected to; too general and incompetent.)

A. It was to keep away the Populist and the Republican from the election by trying to force the registration books out of the hands of the chairman of registration on challenge day.

Q. Did you not consider the advice that was brought to you by the two parties above referred to, who stated that they were sent to you by their union as a threat that damage would be done to you if you attended the election?

(Objected to as incompetent, for the reason that the consideration, impressions, or opinions existing in imagination of the witness are not competent evidence.)

A. Yes.

Q. Did you hear during the campaign just preceding the election held in November, 1898, any remarks made as to carrying the election by the use of Winchester rifles and shotguns if necessary; and if so, by the members of what political party did you hear those threats made?

(Objected to as hearsay and too general, and therefore incompetent.)

A. One or more of the leaders of the Democratic party told me that they were armed, and would come to the election heavily armed; one also stated that by the eternal gods we are going to have this election.

(Answer objected to as hearsay and incompetent.)

Q. Did you see any of those parties, and especially the last one referred to in your answer to the preceding question, in any of the demonstrations made by members of the White Government Union and Red Shirts in your precinct just prior to and on the day of the last election?

(Objected to as incompetent and irrelevant, and for the further reason that the witness has not testified to any demonstration just prior to or on the day of election.)

A. I don't know that I saw the men that made the expression except on the day of the public speaking at Blue Springs and on challenge day; those were all the demonstrations I saw.

Cross-examination by counsel for contestee:

Q. To what political party do you belong?—A. The People's Party.

Q. What are the principles of the People's Party?—A. Equal rights to all and special privileges to none.

Q. Is this the only principle of the People's Party?

(Counsel for contestant objects to the question as irrelevant.)

A. I don't know that that is all. Well, that is all the answer, equal rights to all and special privileges to none.

Q. Was it not a fact that four of the six judges of election in your precinct at the last election were Fusionists?—A. It is not a fact.

Q. Give the names of the judges of election and their politics.—A. Murdoch McLeod, People's Party; James McCormac, Republican party; Richard Graham, Republican party; Calvin S. Ray, Democratic party; W. B. McMillan, Democratic party; D. S. Aldeman, Democratic party.

Q. Was it not a fact that the Fusionists, who had the power to appoint the judges of the election, appointed a majority of Fusionists as judges of election in your precinct?—A. They appointed two from each political party.

Q. Were not the Populists and the Republicans voting the same ticket, and did not the Populist and Republican judges of election appointed constitute four of the six judges of the election?—A. They were.

Q. Did not the Fusionist authorities in Robeson County appoint four Fusionists out of the six judges of election in every, or nearly every, precinct in Robeson County?—

A. I do not know.

Q. Do you believe in the principles of the Republican party?

(Objected to as irrelevant by counsel for contestant.)

A. In some of their principles I do believe, in others I do not.

Q. Give those in which you do believe, and those in which you do not believe.

(Counsel for the contestant objects to the question as irrelevant.)

A. I believe in the principles of the Republican party in so far as they are willing to allow all persons to stand equal before the law; I also believe in liberating the oppressed nations of the earth, etc.; I do not believe in some of their economic questions of government, the United States banking system, for instance.

Q. Do you believe in the principle of white supremacy?—A. I do.

Q. You stated in your direct examination that threats were made against you by Red Shirts in regard to the registration books of your precinct, and that you were advised not to go to the election. Were you prevented from doing your duty by these threats, and did you fail to go to the election on account of this advice?—A. I was prevented from doing my duty on challenge day, at 10 o'clock, by the Red Shirt crowd, the leaders of whom, with several of their number, surrounded me at my buggy and demanded the registration books and delayed the count of challenge until a later hour, which delayed it over an hour. I went to the election.

Q. Do you not know that all the challenges which ought to have been heard on that day were heard?—A. No; I do not know that.

Q. Give the number of challenges which were to have been heard and were not heard.—A. There were three heard. I know what number should have been heard.

Q. Did you fail to hear any challenges on account of a lack of time; and if so, how many?—A. I did not.

Q. Did you vote on the day of election as you chose?—A. I did not; I did not vote at all because I could not vote as I chose to vote.

Q. Did you approach the polls or attempt to approach the polls for the purpose of depositing your ballot?—A. I did not.

Q. Did you make any attempt to vote at all?—A. No.

Q. Were you on the day of the election intimidated and prevented from depositing your ballot?—A. I was not.

Q. You stated in your direct examination that members of the White Government Union on the day of the speaking at Blue Springs cursed and abused Fusion candidates. How long was that before the election?—A. About ten days or two weeks.

Q. You have referred many times to red shirts. Did you ever see men wearing red shirts before the last campaign?—A. I did not in a body organized.

Q. Did you ever see them wearing red shirts not in a body?—A. I may have seen a few individuals, but never saw them so conspicuously on top of all other clothing.

Q. Do you mean to swear that these red shirts were worn on top of all the other clothing?—A. They were from the waist upward, except the cap.

Q. Are you afraid of a shirt because it is red?—A. I am not afraid of a red shirt.

Q. Did you not have on at that time a red shirt?—A. I had on a white shirt on top of a red undershirt, which I have worn nearly all my life.

Q. You stated in your direct examination that a large part of the colored votes in your precinct failed to vote at the last election. Do you know of any who approached the polls on the day of election, or attempted to approach the polls for the purpose of depositing their ballot and was prevented by violence or intimidation from doing so? And if so, give their names.—A. I do not know of any.

Q. Can you swear what ticket any voter who did not go to the election in last November would have voted if he had attended the election?—A. I don't think I can swear to that.

Q. You stated in your direct examination that not more than a dozen Populists who were registered in your precinct failed to vote on the day of election. Do you know of anyone of these who attended the election attempted to vote and failed on account of violence and intimidation to do so? And if so, name them.—A. I do not know of any. I simply know that they came and said they intended to vote and left without voting. They did approach the polls, but did not offer to vote.

Q. Give the names of those who approached the polls but did not offer to vote.—A. Archie Currie and D. D. Currie; there were others—one Jones, John A. Jones I think was his name; that is all I took any notice of.

Q. Do you know that either one of these whom you have named made any effort to vote on that day?—A. No effort that I know of.

Q. Was it not your duty as judge of the election to receive and deposit the ballots of those who offered them?—A. I construed it to be the duty of anyone of the judges.

Q. Did you not remain at the polls all day during the day of election?—A. I did, except while I was at dinner, about a half hour.

Q. Was not the election on that day conducted fairly and honestly at your precinct, so far as you know?—A. No, sir.

Q. State what officer failed to do his duty and in what respect.—A. I can't state who did it, but the poll book and registration book in my absence were changed—the poll had scratches on it for names that I could not read, recorded as having voted; there were no such names on the registration books.

Q. How many of these scratches were there?—A. I can't give you the exact number; I think there were about twenty.

Q. Do you know that these scratches, as you call them, were the names of voters?—A. They were not.

Q. Do you know that they were not put there for the names of regularly registered voters?—A. I don't know—I mean to say that those scratches who were counted as voting on the poll book were not duly registered.

Q. Do you know who wrote the names on the poll book? And if so, give his name.—A. I do not know.

Q. Do you know what tickets were deposited or whether any were deposited by these names that you mentioned as having been voted?—A. I don't know; it was done in my absence.

Q. Do you know that any Congressional tickets were deposited as having been voted; and if so, were they cast for John D. Bellamy or Oliver H. Dockery?—A. I don't know.

Q. You stated that demonstrations were made by persons wearing red shirts. What do you mean by a demonstration?—A. The meaning of that expression is this—the Red Shirt crowd stood in huddle near the speaker's stand and cursed Mr. Edmun, Populist candidate for clerk of the superior court, and shouted aloud and disturbed the speaking most shamefully.

Q. Did not Mr. Edmun make his speech on that occasion?—A. I don't know; there was so much fuss and cursing by this particular Red Shirt crowd. He would say a word and they would curse him back and dispute it.

Q. Do you not know that Mr. Edmun swore in his testimony at Lumberton on yesterday that he made a speech on that occasion and that he was not intimidated in any way?—A. What Mr. Edmun swore to yesterday is news to me; I was not there.

Q. You stated in your direct examination that there was general intimidation practiced against the voters of Republican and Populist parties for several weeks prior to and during the election last November, and the nature of this intimidation to keep away the Populist and Republican from the election by trying to force the registration books out of the hands of the chairman of registration on challenge day. Did you mean by this the delay of about an hour caused in the hearing of challenges, as before referred to by you?—A. This delay was the intimidation referred to. I was surrounded by this Red Shirt band, some of them ignorant and irresponsible; I did not consider my life worth a snap.

M. MCLEOD.

Sworn to and subscribed before us this the 2d day of March, 1899.

[SEAL.]
[SEAL.]

J. D. JOWERS,
A. D. McLEAN,
Notaries Public.

We, the undersigned, J. D. Jowers and Angus D. McLean, notaries public, before whom the testimony on the part of the contestant was taken at Maxton, N. C., on February 25 and February 27, 1899 (the witnesses there examined being Neill J. McRimmon, S. Z. Bateman, Jordon Shaw, J. C. Parish, and E. L. McCormac), at Lumberton, N. C., on February 28, 1899, and March 1, 1899 (the witnesses there

examined being Randal Evans, J. N. Buri, and S. A. Edmonds), and at Lumber Bridge on March 2, 1899 (the witness there examined being Murdock McLeod), the said testimony taken at Maxton being contained in the foregoing pages, and the said testimony taken at Lumberton and at Lumber Bridge also appear in the foregoing pages, do hereby certify that the said testimony was taken before us, sitting together, and that the same is the testimony with the questions, answers, and objections, taken by us beginning on February 25, 1899, and continuing up to and including March 2, 1899. We further certify that the copy of notice of contest, Oliver H. Dockery, contestant, and the answer of John D. Bellamy, contestee, prefixed to the foregoing depositions, are true copies thereof. We further certify that the original notices to take depositions and subpoenas served are attached to the foregoing depositions.

Witness our hands and official seals at office in Robeson County, in North Carolina, this 3d day of March, 1899.

[SEAL.]
[SEAL.]

J. D. JOWERS,
A. D. McLEAN,
Notaries Public.

Notice to take depositions.

To JOHN D. BELLAMY, contestee, Wilmington, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at the office of J. D. Jowers on North Patterson street, in the town of Maxton, in Robeson County, before J. D. Jowers, notary public, beginning at 9 o'clock a. m. on Wednesday, the 8th day of March, 1899, and continuing from day to day if necessary.

I will examine the following witnesses, namely: A. J. McKinnon, M. G. McKenzie, Maxton, N. C.; Jordan McNair, Alma, N. C.; Nelson Locklier, Smiths Township, N. C.; Randal Smith, Alma, N. C.; James McCormick, Blue Springs Township, N. C.; John G. Brown, Red Springs, N. C.; Jim Campbell, Maxton, N. C.

This the 2d day of March, 1899.

OLIVER H. DOCKERY,
Per B. F. McLEAN, Attorney.

At Lumber Bridge, N. C., on March 3, 1899, at 12 o'clock noon, counsel for contestant being present, requests the notaries public to proceed to take further testimony at this time and place on the part of contestant, and proposes to introduce as witnesses for contestant W. A. Barbor and others present, the meeting being held according to adjournment of Notary J. D. Jowers, and Notary A. D. McLean being present this morning. Counsel for contestee having given notice on March 2 that he would object and protest to the taking of testimony on the part of the contestant after March 2, 1899, now appears before the notaries and protests and objects to the taking of further testimony and the examination of any other witnesses on the part of contestant at this time for the reason that the time, to wit, forty days from the filing of the answer, January 21, 1899, expired on March 2, 1899. After argument of counsel for contestant and contestee the notary public, A. D. McLean, decides that the time for taking testimony on the part of the contestant expired on March 2, 1899; the notary, J. D. Jowers, decides with the counsel for contestant that Sundays should not be reckoned in computing the forty days above referred to, and that the time for the taking of testimony by the contestant continues to the close of the day of March 9, 1899. Whereupon the notary, A. D. McLean, protests and objects and gives notice that he will not certify any further testimony taken on the part of the contestant at this place and declines to officiate further and withdraws. A. W. McLean, counsel for contestee, J. D. Bellamy, files the following written protest with J. D. Jowers, notary public, which is filed and ordered attached to the testimony as part of the records in this cause:

North Carolina, Robeson County, Sixth Congressional district of North Carolina: Oliver H. Dockery, contestant, v. J. D. Bellamy, contestee. Protest of J. D. Bellamy filed before J. D. Jowers, notary public, taking testimony at Lumber Bridge, N. C., on March 3^d, 1899, at 12 o'clock noon.

Whereas in the above-entitled cause the answer to notice of contest, as made by J. D. Bellamy, contestee, was filed and served on O. H. Dockery, contestant, on January 21, 1899, as appears in the record and papers herein; and whereas a number of witnesses were thereafter examined on the part of the contestant before J. D. Jowers, notary public, named in the notice of the contestant, and before A. D. McLean, notary public, who was associated on motion of contestee's counsel, as provided by statute; and whereas all of the testimony taken on the part of contestant in Robeson County, at Maxton, on February 25 and 27, at Lumberton, on February 28 and

on March 1, and at Lumber Bridge, on March 2, was taken before J. D. Jowers and A. D. McLean, both attending and sitting together; and whereas the forty days from the time of serving the answer on contestant, to wit, on January 21, 1899, expired on March 2, 1899; and whereas all of said testimony so taken has been properly certified by both said notaries; and whereas on March 3, 1899, at 12 o'clock noon, at Lumber Bridge, N. C., counsel for contestant, O. H. Dockery, proposes to take further testimony on the part of the contestant at this time; and whereas on objection of counsel for contestee, J. D. Bellamy, A. D. McLean, one of the notaries sitting with J. D. Jowers, has decided as a matter of law that the time for taking testimony on the part of contestant, O. H. Dockery, has expired, and declines to officiate in the taking of such further testimony for that reason; and whereas J. D. Jowers, a notary on the part of contestant, decides that said time has not expired, and gives notice that he will proceed to take further testimony on the part of the contestant; and whereas A. D. McLean, one of the notaries, has withdrawn from the further taking of testimony on the part of contestant at this time:

Now, therefore, the contestee, J. D. Bellamy, most earnestly and respectfully objects and protests to the taking of further testimony on the part of the contestant at this time for the reasons above stated, and asks that this protest and objection be filed as part of the record in this cause this March 3, 1899, at Lumber Bridge, N. C., at 12 o'clock noon.

JOHN D. BELLAMY, *Contestee.*
By A. W. McLEAN, *his Attorney.*

Protest of Jno. D. Bellamy, filed before J. D. Jowers, notary public, taking testimony at Lumber Bridge, N. C., on March 3, 1899, at 12 o'clock noon.

Whereas, in the above-entitled cause the answer to notice of contest, as made by John D. Bellamy, contestee, was filed and served on O. H. Dockery, contestant, on January 21, 1899, as appears in the record and papers herein; and whereas a number of witnesses were thereafter examined on the part of contestant, before Jno. D. Jowers, notary public, named in notice of contestant, and before A. D. McLean, notary public, who was associated, on motion of contestee's counsel, as provided by statute; and whereas all of the testimony taken on the part of contestant in Robeson County, at Maxton, on February 25 and 27, at Lumberton, on February 28 and March 1, and at Lumber Bridge, on March 2, was taken before John D. Jowers and A. D. McLean, both attending and sitting together; and whereas the forty days from the time of serving the answer on contestant, to wit, on January 21, 1899, expired on March 2, 1899; and whereas all of said testimony so taken has been properly certified by both said notaries; and whereas on Friday morning, March 3, 1899, at 12 o'clock noon, at Lumber Bridge, N. C., counsel for contestant, O. H. Dockery, proposes to take further testimony on the part of contestant at this time; and whereas on the objection of counsel for contestee, J. D. Bellamy, A. D. McLean, one of the notaries sitting with J. D. Jowers, has decided as a matter of law that the time for taking testimony on the part of contestant, O. H. Dockery, has expired, and declines to further officiate in the taking of such testimony for that reason; and whereas J. D. Jowers, the notary on part of contestant, decides that said time has not expired, and gives notice that he will proceed to take further testimony on part of contestant; and whereas A. D. McLean, one of the notaries, has withdrawn from the further taking of testimony on part of contestant at this time:

Now, therefore, the contestee, John D. Bellamy, most earnestly and respectfully objects and protests to the taking of further testimony on the part of the contestant at this time for the reasons above stated, and asks that this protest and objection be filed as part of the record in this cause this March 3, 1899, at Lumber Bridge, N. C., at 12 o'clock noon.

JOHN D. BELLAMY, *Contestee.*
By A. W. McLEAN, *his Attorney.*

Filed before me on March 3, 1899, at 12 o'clock noon, and ordered attached to the depositions as part of the records.

J. D. JOWERS, *Notary Public.*

W. A. BARBOR, being duly sworn, deposes and says:

(A. W. McLean, attorney for J. D. Bellamy, contestee, being present, and, without waiving the objections hereinbefore stated, again objects to the examination of this witness, on the ground that the time for taking testimony on the part of the contestant has expired.)

Objection overruled by J. D. Jowers, notary public, and witness allowed to testify.)

Q. Where do you live?—A. In Red Springs Township, Robeson County.

Q. Where did you live just prior to and during the election held in Robeson County in November, 1898?—A. I lived in Red Springs Township, Robeson County, N. C.

Q. Did you attend the election held in November, 1898; and if so, what precincts or precinct?—A. I attend at Red Springs.

Q. Did you attend any of the political speakings held during the campaign just prior to said election?

(Objected to as incompetent and irrelevant.)

A. I attended one or two, but did not stay very long.

Q. Did you see any parades or gatherings of Red Shirts just prior to or during the said election?

(Objected to as incompetent and irrelevant.)

A. I saw 10 or 12 one Sunday night.

Q. Was there any intimidation by members of the White Government Union and Red Shirts in your community just prior to or during said election?

(Objected to as too general and incompetent.)

A. There was intimidation.

Q. Was there any attempt to intimidate you?—A. Yes, sir.

Q. In what way was this attempt made, and by whom?—A. They attempted to kill me. It was done by Red Shirts and White Caps.

Q. How long before the election did this occur?—A. About three weeks.

Q. Did they say why they wished to kill you?

(Objected to as hearsay and incompetent.)

A. They said because I was a Populist.

Q. Did anyone make any threats as to what would be done to you if you voted the Fusion ticket?

(Objected to as too general and incompetent.)

A. Peter Ray said he would kill me if I did not vote a Democratic ticket.

Q. Was he in this crowd of Red Shirts and White Caps you refer to as having seen the Sunday night about three week prior to the last election?—A. He was the leader of the crowd that night.

(Question and answer objected to as incompetent and immaterial.)

Q. Did any member of the White Government Union, or any other person who seemed to be in sympathy with the movement, afterwards make any remarks to you in regard to what this man Ray and his associates said to you on that Sunday night?

(Objected to as incompetent and immaterial.)

A. Mr. Martin McKinnon asked me if I was going to law them, and he told me he would not do it if he was in my place. He said the country was filled full of them. He said if that was the only crowd it might be well enough to law them.

(Answer objected to as hearsay and incompetent.)

Q. Where does Mr. Martin McKinnon live?—A. He is a merchant at Red Springs.

Q. Were there not demonstrations made by the Red Shirts throughout your community for several nights prior to the said election—shooting at and near the houses of colored voters?

(Objected to as incompetent for the reason that any answer of the witness could only be hearsay.)

A. I could not say whether there was or not; I don't know.

Q. Was it not commonly reported that such demonstrations were made?—A. I have heard such reports.

(Question and answer objected to as hearsay and incompetent.)

Q. Were you at Red Springs during the most of the day, or any part of the day, on which the election was held in November, 1898?—A. I was there about one and one-half hours during that day.

Q. Were there not a considerable number of Red Shirts near the polls during the time you were there?

(Question objected to as irrelevant and incompetent.)

A. There was about a dozen around the polls.

Q. Were there not several Red Shirts, in addition to the dozen above referred to, in sight of the polls?

(Objected to as incompetent and irrelevant.)

A. Oh, there was lots of them scattered all over the streets.

Q. Did you see any attempt made by any of them to keep voters from going to the polls?—A. No, sir; I did not.

Q. Was there not an effort made to deter you from voting after you had approached the polls?

(Objected to as incompetent and immaterial.)

A. There was.

Q. What was done to deter you from voting after you had approached the polls?—A. They said I was not entitled to vote there.

Q. Was not your name on the registration books?—A. The registrar said it was.

Q. Had any notice of challenge been served on you prior to the day or during the day for hearing challenges at said precinct?

(Objected to as incompetent and irrelevant.)

A. No, sir; there was not.

Q. Were you in Blue Springs Township at any time prior to the election held in November, 1898; and if so, how many times?—A. I was in Blue Springs Township several times serving papers; I can't recollect how many times.

Q. Did you hear any threats made by members of the White Government Union and the Red Shirts in that township as to what they would do to carry the election Democratic?

(Objected to as too general and incompetent.)

A. Don't recollect of any.

Q. Were not red shirts conspicuous in the several parts of Robeson County which you visited just prior to the election?

(Objected to as wholly incompetent and irrelevant.)

A. I did not visit any place except Lumberton and Red Springs, and I saw them there.

Q. Was it not common report that they were worn by a great many Democrats in certain portions of the county?

(Objected to as wholly irrelevant and incompetent.)

A. Yes, sir; that was the report.

Q. Was it not also reported that they were so worn to frighten and intimidate colored voters in Robeson County?

(Objected to as wholly irrelevant and incompetent.)

A. I have heard that said.

Q. Was it not a common report that they were worn for that purpose?—A. I don't know how many times I heard it.

(Question and answer objected to as incompetent.)

Q. For what political party do the colored voters of Robeson County usually vote?

(Objected to as incompetent.)

A. The Fusion ticket.

Q. What political parties composed the fusion movement in Robeson County in the election held in November, 1898?

(Objected to as irrelevant.)

A. The Republican and the Populist.

Q. Who was the Fusion candidate for Congress at the election held in November, 1898?—A. O. H. Dockery was the candidate of the Fusion party.

Q. Did you visit Red Springs just prior to the recent election?—A. Yes, sir; once or twice a week.

Q. Was it not a current report that a good many Winchester rifles had been shipped to that place just prior to the election held in November 1898?

(Objected to as too incompetent.)

A. I heard such reports.

(Answer objected to as wholly incompetent.)

Q. Did you not see some Winchester rifles at Red Springs about the time of the election that appeared to be new?

(Objected to as incompetent and irrelevant.)

A. I don't think I saw a one.

Q. Did you visit Lumber Bridge many times just prior to the last election?—A. No, sir.

Q. This crowd whom you said threatened to kill you on Sunday night about three weeks prior to the election were in what township?—A. They attacked me in Red Springs Township, but they were from Blue Springs Township.

Q. Were they armed?—A. I saw three pistols.

Counsel for cross-examine without waiving the objection to the taking of further testimony as hereinbefore made, proceeded to cross-examine this witness as follows:

Q. To what race do you belong?—A. I belong to the white race.

Q. Were you prevented by violence, intimidation, or threats from voting at the last election?—A. I don't know; I was stopped and got mad and delayed, and the crowd around me got mad; I don't know whether the tickets were put in the box or not.

Q. Who stopped you, and in what way?—A. Murdoch McDonald and Jim Lane; they reported to the registrar that I was in the wrong precinct.

Q. Did the fact that they reported to the registrar that you were in the wrong precinct intimidate you and prevent you from voting?—A. I don't know whether they prevented me from voting or not; I don't know whether I voted or not.

Q. Did you approach the polls and attempt to deposit your ballot; and if so, were you prevented by violence or intimidation from doing so?—A. They did not make any threats on me; only stopped me.

Q. How long did they stop you?—A. They stopped me about five minutes.

Q. Will you swear that you were prevented by violence or intimidation from voting on that day?—A. No, sir; I will not.

Q. Will you swear that you did not vote on that day?—A. No, sir; I will not.

Q. Do you know of any elector in your precinct who approached the polls or attempted to approach the polls for the purpose of depositing his ballot, and who failed on account of violence, intimidation, or threats to do so; and if so, name them?—A. I do not know of any.

Q. Was not the election in your precinct, so far as you know, conducted fairly and openly?—A. I do not think it was with me.

Q. In what respect was the election not conducted fairly with you?—A. They delayed me from voting and cursed for a white negro.

Q. Did you not just swear that you would not say that you were prevented from voting?—A. I will not say that I was prevented from voting; I will not say whether I voted or not.

Q. Were you drunk on that occasion?—A. I had not drunk a drop.

Q. Were you insane?—A. I don't think I was.

Q. Are you afraid of a red shirt?—A. No, sir. I slept with a man that had one on the night of the election.

Q. Have you not seen them worn all your life?—A. Yes, sir; but they wore them underneath.

Q. Did you ever see any worn on top?—A. I never saw any men wear them on top until just before the election.

Q. Have you ever worn one yourself?—A. I might have worn one when I was a baby; I have not worn one since I was grown.

Q. You stated in your direct examination that Peter Roy said he would kill you if you did not vote the Democratic ticket, and that this was about three weeks before the election. Did this alleged threat cause you to vote the Democratic ticket, or prevent you from voting on the day of election?—A. It did not.

Q. You stated in your direct examination that it was reported that red shirts were worn to frighten and intimidate colored voters. Please give the names of the parties who made this report to you?—A. Mr. J. C. Cope and his son said that was what they were worn for in South Carolina and they were going to get them here to scare the negroes off.

Q. Does a statement made by Mr. Cope and his son constitute a common report in country?—A. Mr. John G. Brown said he did not believe they meant any harm, but just to scare the negroes.

Q. Is not Mr. John G. Brown a Populist?—A. I think he is.

Q. Are Populists afraid of Red Shirts?—A. I do not know.

Q. Do you know of any colored voters who were intimidated and prevented from voting by the fact that some of their fellow-citizens wore red shirts?—A. I do not know of any.

Q. Did you see any colored voter in your precinct prevented by any violence or intimidation from voting on the day of election?—A. I did not.

Counsel for contestee asked for further time to cross-examine this witness; the notary public wants to leave, and declines to grant it.

W. A. BARBER.

Sworn to and subscribed before me this March 3, 1899.

[SEAL.]

JOHN D. JOWERS, *Notary Public*.

The following witness for the contestant, Oliver H. Dockery, contestant in the case of contest of Oliver H. Dockery, contestant, against John D. Bellamy, contestee, in the Sixth Congressional district of North Carolina, for contestee's seat in the Fifty-sixth Congress, before J. D. Jowers, notary public, at Maxton, N. C., on the 8th day of March, 1899, being duly sworn, deposes and says, viz: The contestee, John D. Bellamy, represented by his counsel, A. W. McLean, here appears before John D. Jowers, notary public, and objects to the examination of any witnesses on the part of contestant, and to the taking of further testimony at this time on the part of contestant, it being admitted by counsel for contestant and contestee that the answer of contestee to the notice of contest was filed and served on contestant January 21, 1899, and it being further admitted that to-day is the 8th day of March, 1899; counsel for contestee protests and objects upon the ground that the forty days allowed by law for the taking of testimony on the part of contestant began on the day the answer of contestee was served, to wit, on January 21, 1899, and expired before this date. Counsel for contestant states that the time for taking testimony by the contestant commenced on the 21st day of January, 1899. He still insists that as no man is required to work on Sunday that the time for taking testimony on the part of contestant does not expire until the close of the day of March 9, 1899.

After hearing argument of counsel for contestant and contestee, the notary public, J. D. Jowers, decides that the time for taking testimony on the part of contestant

has not expired, and allows the counsel for contestant to examine the witness. The contestee, John D. Bellamy, files the following written protest with J. D. Jowers, notary public, which is filed and ordered attached to the depositions as part of the record in this cause.

North Carolina, Robeson County, Sixth Congressional district, O. H. Dockery, contestant, vs. J. D. Bellamy, contestee. Protest of John D. Bellamy, contestee, filed before J. D. Jowers, notary public, taking testimony at Maxton, N. C., on March 8, 1899.

Whereas in the above-entitled cause the answer to notice of contest as made by J. D. Bellamy, contestee, was filed and served on O. H. Dockery, contestant, on January 21, 1899, as appears in the record and papers herein; and

Whereas the forty days from the time of serving the answer on contestant, to wit, on January 21, 1899, has expired before this time; and

Whereas on Wednesday morning, March 8, 1899, at Maxton, N. C., counsel for contestant, O. H. Dockery, proposes to take further testimony on the part of the contestant at this time; and

Whereas after objection and protest made by counsel for contestee, the notary public, J. D. Jowers, has overruled the objection of contestee's counsel, and decided that counsel for the contestant shall proceed at this time and place to take further testimony on the part of the contestant:

Now, therefore, the contestee, John D. Bellamy, most earnestly and respectfully objects and protests to the taking of further testimony on the part of the contestant at this time, for the reasons above stated, and asks that this protest and objection be filed as part of the record in this cause, this March 8, 1899, at Maxton, N. C., at 12 o'clock noon.

JOHN D. BELLAMY, *Contestee.*
(By his Counsel.)

A. J. MCKINNON, being duly sworn, deposes and says:

Q. Where do you live, and where did you live just prior to and during the election held in November, 1898?—A. I lived here at Maxton.

Q. Were you in Maxton on the day of said election?—A. I was.

Q. Were there not quite a number of Winchester rifles shipped to citizens of Maxton just prior to said election?

(Counsel for contestee objects to the question as too general and incompetent, and for the further reason that any answer of the witness would be a mere expression of an opinion not within his own knowledge, and therefore incompetent.)

A. I do not know.

Q. Do you not know that several Winchester rifles were procured by members of the White Government Union just prior to the election held in November, 1898?

(Counsel for contestee objects to the question as incompetent and irrelevant, and for the reason that the witness has not stated that there was any such thing as the White Government Union, or who constituted it if it existed.)

A. I do not know.

Q. Was there not a common report that the Democrats in the town of Maxton had procured Winchester or repeating rifles in a considerable number within a month preceding the election held in November, 1898?

(Counsel for contestee objects to the question as incompetent and irrelevant, and for the further reason that the witness could not say of his own knowledge what was a common report unless he had talked with a majority of the citizens of this community and heard their statements in regard to it.)

A. I can't say that it was.

Q. Did not a number of Democrats tell you that they had procured such guns within a short time before the said election?

(Counsel for contestee objects to the question as incompetent and irrelevant, and for the reason that if any parties gave any such information to the witness he could not say whether they were Democrats, or what particular ticket they would vote.)

A. I have no recollection of such conversation.

Q. Did you not see such guns as are before described, Winchester or repeating rifles, in Maxton just prior to the election held in November, 1898?

(Counsel for contestee objects to the question as incompetent and irrelevant.)

A. Yes, sir; I saw some.

Q. How many did you see?

(Counsel for contestee objects to the question as incompetent and irrelevant.)

A. I could not say how many.

Q. Did you see as many as fifteen?

(Counsel for contestee objects to the question as irrelevant and incompetent, and for the further reason that the witness has already stated that he could not say how many he saw.)

A. I really do not know; I did not pay any special attention to it.

Q. Did you not see a number of parties with such rifles?

(Counsel for contestee objects to the question as incompetent and irrelevant.)

A. I saw a few people with rifles.

Q. Was there an organization in Maxton during the campaign preceding the election held in November, 1898, known as the White Union Club?

(Counsel for contestee objects to the question as incompetent and irrelevant.)

A. Not to my knowledge.

Q. Was there a crowd in Maxton on the day of the said election known as Red Shirts?

(Counsel for the contestee objects to the question as incompetent and irrelevant.)

A. There were some people here with red shirts on. I don't know of any crowd of that name.

Q. Was there an organization in Robeson County just prior to and during the election held in November, 1898, known as the White Government Union?

(Counsel for the contestee objects to the question as incompetent and immaterial, and for the further reason that the witness has already stated that he was in Maxton on the day of election, and therefore he could not say what organizations existed in other parts of Robeson County on that day.)

A. I could not say, of my own knowledge, as to what organizations did exist or did not exist throughout the county. I was not over the county to any extent during the time mentioned.

Q. Did not an organization known as the White Government Union exist in Maxton just prior to and during the election held in November, 1898?

(Counsel for contestee objects to the question as incompetent and irrelevant.)

A. There was an organization of that name in Maxton prior to the election.

Q. Did not the members of that union wear as a badge a button marked White Government Union?

(Counsel for contestee objects to the question as incompetent and immaterial.)

A. There were some such buttons worn in this section, and by some people who were members of this union.

Q. Was not a particular kind of a red shirt worn by members of this White Government Union on occasions before and on the day of election at Maxton in November, 1898?

(Counsel for contestee objects to the question as incompetent and irrelevant.)

A. I can't say.

Q. Was it not current report in Maxton on the day of election that those who conspicuously wore red shirts were members of the White Government Union?

(Counsel for contestee objects to the question as being incompetent and irrelevant, and for the further reason that the witness could not say what was a current report unless a large number of the persons present would state this fact to him.)

A. I do not know, from the fact that I have no recollection of hearing a discussion on that point.

Q. Did you know many of the members of the White Government Union in Maxton?

(Counsel for contestee objects to the question as incompetent and irrelevant.)

A. I know several of the members.

Q. To what political party did members of this union belong at the election held in November, 1898?

(Counsel for the contestee objects to the question as incompetent, and for the reason that any answer of the witness would be a mere expression of an opinion, and not within his own knowledge.)

A. I could not say what party they all belonged to, of my own knowledge.

Q. To what political party were they reputed to belong?

(Counsel for the contestee objects to the question as incompetent.)

A. I think they belonged to the Democratic party, or that was the supposition.

(Counsel for contestee objects to the answer as incompetent, for the reason that the supposition of the witness is not evidence.)

Q. For what political party are the colored voters of this section usually reputed to vote in State and national elections?

(Counsel for contestee objects to the question as wholly incompetent and irrelevant.)

A. I would expect a majority of them to vote the Republican and Fusion ticket.

Q. Was there fusion at the election held in November, 1898, between any two parties; and if so, what parties?

(Counsel for contestee objects to the question as incompetent and irrelevant, and for the further reason that any answer of the witness would be a mere expression of an opinion and not proper evidence.)

A. I have no personal knowledge on the subject whatever.

Q. Do you know the names of the different candidates who were voted for for Congress at the election held in Maxton in November, 1898?—A. I think so.

Q. Give their names and the parties by which they were supported.—A. O. H. Dockery was one and J. D. Bellamy was the other. I could not say what party supported them, of my own knowledge.

Q. Was not John D. Bellamy the nominee of the Democratic party for Congress at said election?—A. He was.

Q. Was not O. H. Dockery the candidate of the opposition, or of what was known as the Fusionists, at said election?—A. I think so; I have no personal knowledge of the fact.

Q. Did not parties ride or pass through various sections of this community just prior to the said election held in November, 1898, on horseback in a considerable body, clothed in red shirts, worn in such a manner as to be very conspicuous?

(Counsel for contestee objects to the question as wholly irrelevant and incompetent.)

A. I don't know.

Q. Did not such a crowd pass through the town of Maxton just prior to the said election?

(Counsel objects to the question as wholly incompetent and irrelevant.)

A. I did not see a crowd of that description, according to my idea.

Q. What kind of a crowd did you see pass through Maxton, clothed in red shirts conspicuously worn just prior to the election in November, 1898?

(Objected to as incompetent and irrelevant, for the reason has not stated that he had seen any crowd pass through Maxton.)

A. I can't say that I saw a crowd, all wearing red shirts conspicuously. I can say I saw some people pass through the town prior to the election who had on red shirts—a majority of whom had on red shirts.

Q. What was the demeanor of this crowd that you spoke of as having passed through Maxton just prior to the election?

(Counsel for contestee objects to the question as wholly incompetent and irrelevant.)

A. When I saw them they were stopping in front of the stores. I heard some hollering.

Q. Were they not threatening, or abusing, or making threats and venting abuse against anyone who contemplated voting the Fusion ticket?

(Counsel for the contestee objects to the question as incompetent and irrelevant.)

A. I do not know.

Q. Did you not hear such abuse uttered by some of them?

(Counsel for the contestee objects to the question as incompetent and immaterial, and for the further reason that the witness has already stated that he did not know of any such abuse.)

A. No, sir.

Q. Did you hear any of them say what was the object of their visit to the town of Maxton?

(Counsel for the contestee objects to the question as incompetent, and for the further reason that witness has already stated that he did not hear any threats or abuse.)

A. I have no recollection of any conversation with them as to their visits or business.

Q. Were you a member of the White Government Union?—A. Yes, sir.

Q. Did you wear a White Government Union button?

(Objected to by counsel for contestee as irrelevant.)

A. My recollection is that I wore one about a week or so and then gave it to some other fellow.

Q. Did you wear the red shirt that was adopted by the White Government Union at any time during the campaign or on the day of election held in November, 1898?

(Objected to by counsel for contestee as irrelevant, and for the further reason that a red shirt was adopted by the union.)

A. I did not.

Q. Describe to us the red shirts that the crowd you saw pass through Maxton a few days prior to the election held in November, 1898, wore.

(Counsel for the contestee objects to the question as irrelevant.)

A. I did not examine them closely, nor do I think they were all alike. They had collars—most of them.

Q. Were not most of those red shirts made with a very large collar and bound with white?

(Counsel for the contestee objects to the question as irrelevant, and for the further reason that the question as to the peculiar style of shirt that a citizen wore on the public streets of Maxton on an occasion prior to the election is not germane to the issue in this contest, and for the further reason that those parties who passed through Maxton were, as witness stated, visitors, whose shirts he did not examine closely.)

A. I am clear about the collar being large on most of them. I have no recollection about the trimming.

Q. Was not a red shirt with a very large collar worn by most of the active members of the White Government Union, as organized in Maxton at some time during the campaign preceding or on the day of election held in November, 1898?

(Counsel for contestee objects to the question as absolutely irrelevant.)

A. Some of the members wore that kind of a shirt.

Q. Did you wear one of those red shirts at any time during the campaign or on the day of the election held at Maxton in November, 1898?

(Question objected to as irrelevant by counsel for contestee.)

A. I wore a red shirt or waist two or three times before the election. I did not wear one on the day of election.

Q. Did you see those red shirts or jackets worn by anyone whom you knew to belong to the party or parties opposing the Democratic party at the election held in November, 1898, during the campaign just preceding or during said election?

(Counsel for contestee objects to the question as incompetent and irrelevant, and for the further reason that any answer of the witness would be a mere expression of an opinion and not proper evidence.)

A. I did not.

Q. Was not the houses of a number of colored people in this community shot into and around just prior to the election held in November, 1898?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. I do not know of my own knowledge.

Q. Was it not reported that the houses of a number of colored people in this community were shot at and around just prior to the election held in November, 1898?

(Counsel for contestee objects to the question as irrelevant, and for the further reason that any answer of the witness would be mere hearsay and incompetent—the witness having already stated that he knew of no such fact.)

A. I have heard some such reports.

(Counsel for contestee objects to the answer as hearsay and incompetent.)

According to adjournment of March the 8th, 1899, the examination of the witness, A. J. McKinnon, was continued on March the 9th, 1899.

(Counsel for contestee, for the reasons heretofore stated, appear before J. D. Jowers, notary public, on Thursday morning, March the 8th, 1899, again protests and objects to any further taking of testimony on the part of contestant at this time.)

Q. You said heretofore in your examination that you were a member of the White Government Union; was it not an order of that organization at Maxton just prior to the last election, held in November, 1898, that the colored voters who did not vote the Democratic ticket were to be intimidated by shooting, and, if possible, kept away from the polls?—A. I have no knowledge of any such order.

Q. Did you attend the meetings of the White Government Union during the campaign conducted by the different political parties just prior to the election held in the Sixth Congressional district in North Carolina in November, 1898, for members of the United States Congress?

(Objected to as irrelevant.)

A. I attended most of the meetings here. I can't say that I attended all of them; I think I did.

Q. Was there not an unusually large amount of shooting done in this community within your hearing for the last three or four nights preceding the election held in November, 1898.

(Counsel for contestee objects to the question as incompetent and irrelevant, for the reason that any answer of the witness would be only an expression of an opinion.)

A. There was some shooting at that time; I can't compare it with previous years, for I paid no special attention to it.

Q. Do you not know that for three or four nights preceding the election held in November, 1898, there was more shooting in and near the town of Maxton than you had ever heard on any preceding three or four nights in succession in the said town of Maxton and the community contiguous thereto in your life?

(Counsel for contestee objects to the question as incompetent and irrelevant, for the reason that any answer of the witness could only be an expression of an opinion, and for the further reason that the witness has already answered the question.)

A. Of my own knowledge I don't know.

Q. Was it not an understanding that shooting was to be done at the houses of colored voters just prior to the election held in November, 1898?

(Counsel for contestee objects to the question as incompetent.)

A. I was not cognizant of any such understanding.

Q. Did you not hear parties say that shooting was done around the houses of negroes, or in the vicinity thereof, just prior to the last election held in November, 1898, to scare them?

(Counsel for contestee objects to the question as incompetent and irrelevant, and for the reason that any answer of the witness would be mere hearsay and not proper evidence.)

A. It seems to me that I heard some such talk.

(Counsel for contestee objects to the answer of the witness as incompetent and hearsay.)

Q. Did you not buy a Winchester rifle during the campaign just preceding the election held in November, 1898?

(Counsel for contestee objects to the question as incompetent and irrelevant.)

A. Yes; I bought a rifle last fall.

Q. Was it not shipped to J. S. McRae, and were not a number of others in the same shipment?

(Counsel for contestee objects to the question as irrelevant.)

A. Bought the rifle from J. S. McRae. As to how many were in the shipment, I do not know.

Q. What is the caliber of this rifle?

(Counsel for contestee objects to the question as irrelevant.)

A. It is a .38 caliber.

Q. Is it customary to use a .38-caliber rifle for the purpose of hunting in this county?

(Counsel for contestee objects to the question as incompetent and irrelevant, for the reason that witness can not say of his own knowledge what custom prevails in Robeson as to what caliber of gun is used for hunting.)

A. I could not say.

Q. Is there any game that you know of in Robeson County that would require the use of a .38-caliber Winchester rifle in hunting for the same?

(Counsel for contestee objects to the question as wholly incompetent and irrelevant.)

A. There is not that I know of.

Q. Was there any request made to the merchants of Maxton just prior to the election held in November, 1898, that they would not sell cartridges or ammunition of any kind to voters who opposed the Democratic party?

(Counsel for contestee objects to the question as irrelevant and incompetent.)

A. I don't know of my own knowledge.

Q. Did you not hear that the merchants of Maxton were requested not to sell cartridges or other ammunition, just prior to the election held in November, 1898, to persons who opposed the Democratic party?

(Counsel for contestee objects to the question as incompetent and irrelevant.)

A. I did not hear it like that.

Q. How did you hear this request and to whom did it refer?

(Counsel for contestee objects to the question as incompetent and irrelevant.)

A. I heard that a committee, or some persons of the town of Maxton, waited on Mr. Burk and asked him not to sell negroes any cartridges.

Q. By what organization was this committee or these persons who waited on Mr. Burk, as stated in your last answer, named?

(Counsel for contestee objects to the question as incompetent and irrelevant.)

A. I do not know.

Q. Why did you buy this Winchester rifle that you state that you bought in November, 1898, just prior to the election held in November, 1898, when there was no game in Robeson County for the shooting of which a .38-caliber Winchester rifle was used?

(Counsel for contestee objects to the question as impertinent and irrelevant, and for the reason that counsel for contestant ought to know that any citizen has a constitutional right to own firearms for the protection of himself and his home. Counsel for contestant does not object to the right of any citizen to own firearms for the protection of himself and family, but insists that the witness answer the question.)

A. I did not say that I bought any rifle just prior to the election; I did say that I bought it some time during the fall; I just bought it to have in case I might need it. I will state that it has never been shot; just have it for my own protection.

Q. Did you not buy it during the campaign preceding the election held in November, 1898?

(Counsel for contestee objects to the question as irrelevant.)

A. Yes.

Q. Were not such rifles procured by members of the White Government Union during said campaign?

(Objected to by counsel for contestee, as any answer of the witness would be a mere expression of an opinion, and therefore incompetent.)

A. I don't know of any rifles being bought that the White Government Union was in any way connected with.

Q. Did not parties attend meetings and speakings of the Democratic party wherein the White Government Union was prominent, armed with rifles?

(Objected to by counsel for contestee for the reason that any answer of the witness would be a mere expression of opinion, and therefore incompetent.)

A. Can't say of my own knowledge.

Q. Have many men during the campaign preceding the election held in November, 1898, armed with guns stopped at your stable in Maxton and proceeded thence with their arms to political meetings in the hall usually termed the town hall?

(Objected to as incompetent and irrelevant, and for the further reason that the witness has already stated that he did not know of any man attending political meetings and being armed at the time.)

A. I have no recollection of seeing any men at the hall with arms.

Q. Did any of the men who stopped at your stable with the avowed purpose of attending any of the meetings held in the hall known as the town hall in the town of Maxton for political purposes just prior to or at any time during the campaign just preceding the election held in November, 1898, have guns or rifles?

(Counsel for contestee objects to the question as being incompetent and irrelevant.)

A. I have no recollection of any men coming there and telling me what their purpose was.

Q. Have any parties during the campaign preceding the election held in November, 1898, armed with guns or rifles stopped or put up their horses at your stable in the town of Maxton during the campaign preceding the election held in November, 1898?

(Objected to as irrelevant and incompetent by counsel for contestee.)

A. There has been some people stopped there with guns.

Q. Where did you see those parties during the same day after they stopped at your stables?

(Objected to as irrelevant by counsel for contestee.)

A. I do not know who the parties were who had the guns.

Q. Did these parties who had the guns at your stables prior to the election held in November, 1898, and during the political campaign conducted just prior to said election profess to belong to any political party; and if so, to what party?

(Counsel for contestee objects to the question as incompetent and irrelevant.)

A. They made no profession to me.

Q. To what political party did you regard them as belonging?

(Counsel for contestee objects to the question as wholly incompetent and irrelevant.)

A. Supposed they were Democrats.

(Answer objected to as incompetent by counsel for contestee.)

Q. Were any colored voters kept from going to the polls at the election held in Maxton in November, 1898, for the election of Congressman?

(Counsel for contestee objects to the question as too general and incompetent. Counsel further objects to the witness stating anything that he does not know of his own knowledge.)

A. I do not know.

Q. Were not colored voters met and threatened, shot at, and run in the town of Maxton on the day of the election held in November, 1898, by men with red shirts on?

(Counsel for contestee objects to the question as too general and incompetent, and for the further reason that the witness has already stated that he did not know of any colored voter who was kept from going to the polls.)

A. I don't know.

Q. Were not colored men so treated on the day of said election?

(Counsel for contestee objects to the question as too general and incompetent, and further objects to witness stating anything that he does not know of his own knowledge.)

A. I could not answer, as I do not know whether they were shot at or threatened.

Q. Were any colored men shot at in the town of Maxton on the day of the election held in November, 1898?

(Counsel for contestee objects to the question, for the reason that witness has already stated that he did not know of any colored men who were shot at on the day of the election in the town of Maxton.)

A. I don't know of my own knowledge.

Q. Did you hear any members of the White Government Union say that colored men had been run by the Red Shirts on the day of the election in November, 1898?

(Counsel for contestee objects to the question as wholly incompetent.)

A. I don't remember hearing any such conversation.

Q. Were any men from South Carolina at or near the polls in Maxton on the day of the election held in November, 1898?

(Counsel for contestee objects to the question as irrelevant.)

A. Yes, sir.

Q. Give their names.

(Objected to as irrelevant by counsel for contestee.)

A. I saw a man named Rodgers there some of the time; there was a man named McGilvary there some of the time. These are all that I remember.

Q. What was Rodgers doing when you saw him near the polls?

(Counsel for contestee objects to the question as irrelevant.)

A. I saw him standing around the polls talking to some people; I saw him some of the time speak to voters as they were leaving the polls, and writing something in a book afterwards.

Q. Were the voters to whom you saw him speak in the manner referred to in your answer to the preceding question white or colored?

(Counsel for contestee objects to the question as irrelevant.)

A. They were colored voters.

Q. Did you hear him make any remarks to the voters to whom he was talking, with his book open, as before described, and in which book he wrote as you have before stated?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. I did not.

Q. Did you hear this man Rodgers curse and abuse a white voter on the day of the election held in November, 1898, because he voted the Fusion ticket?

(Counsel for the contestee objects to the question as incompetent, for the reason that any alleged interference with a voter after he had voted would not be competent.)

A. I did not.

Q. Why were these men Rodgers and McGilvary, from South Carolina, present at the polls in Maxton on the day of the election held in November, 1898?

(Counsel for contestee objects to the question as irrelevant and as incompetent, for the reason that any answer of the witness could only be an expression of an opinion, and not proper evidence.)

A. I don't know why they were here.

Q. Was there any communication between the White Government Union in Maxton and parties in South Carolina as to the having of parties from that State present at the election held in November, 1898?

(Objected to by counsel for contestee as wholly incompetent and irrelevant.)

A. I have no knowledge of any such communication.

Q. Was the question of having men from South Carolina present at the election held in Maxton in November, 1898, ever discussed by any of the members of the White Government Union at any time during the campaign preceding the election held in November, 1898?

(Counsel for contestee objects to the question as admittedly incompetent and irrelevant.)

A. I have no recollection of any such discussion at any White Government Union meetings that I attended.

Q. Did you ever hear such a matter as the having of men from South Carolina present on the day of election mentioned by any of the members, in or out of meeting, during the campaign preceding the said election held in November, 1898?

(Objected to as wholly incompetent and irrelevant.)

A. I have never heard it mentioned in connection with the White Government Union in any way, shape, or form.

Q. Did you ever, during the campaign prior to the election held November, 1898, hear any person say anything in regard to having men from South Carolina present at the polls, or about the polls, or near to the same on the day of said election held in November, 1898?

(Counsel for contestee objects to the question as irrelevant and incompetent.)

A. I do not know how to answer that question; I have not heard any comment of that character.

Q. Was it not understood by you that men from South Carolina would be in Maxton precinct on the day of the election to be held in November, 1898?

(Counsel for contestee objects to the question as irrelevant, and for the further reason that a mere understanding of the witness could not be competent evidence.)

A. I did not know these men were going to be here until I saw them here.

Q. Have you any idea as to their purpose in coming here, and did not one or more of them express enough of their purpose to justify you in forming such an idea?

(Counsel for contestee objects to the question as irrelevant, and for the reason that any ideas which may have existed in the mind of the witness, even if he could swear to what his ideas were, would be wholly incompetent.)

A. I don't think I could swear to what their purpose was.

Q. What is your supposition as to the mission of these men, Rodgers and McGilvary, at Maxton precinct on the day of the election held in November, 1898?

(Counsel for contestee objects to the question as irrelevant, and for the reason that the suppositions of the witness, even if he has formed any or could swear to them, are incompetent, and for the further reason that the witness has already stated that he had no idea as to the purpose of the visit of the parties referred to.)

A. I don't think I have a supposition that I could afford to swear to.

Q. Did either Rodgers or McGilvary make any remarks to you in regard to what they were here for on the day of said election?

(Counsel for the contestee objects to the question as irrelevant, and for the reason that the witness had no conversation with the parties referred to.)

A. Not that I remember.

Q. Did you see any colored men maltreated in the town of Maxton on the day of the election held in November, 1898?

(Counsel for contestee objects to the question as irrelevant, and for the further reason that any answer of the witness would be a mere expression of an opinion, and therefore incompetent.)

A. In my judgment, I saw one that I remember.

Q. Was this man a voter?

(Counsel for contestee objects to the question as incompetent, unless the witness knows of his own knowledge that the party referred to was a qualified voter.)

A. I do not know whether he was entitled to vote or not.

Q. Who was this party?

(Objected to as irrelevant by counsel for contestee.)

A. James Campbell.

Q. Did you see any parties going out in various directions from the town with red shirts on on the day of the election?

(Objected to as irrelevant by counsel for contestee.)

A. I saw parties moving all around the town on that day with red shirts on.

Q. Did you hear any threats made on that day or remarks in regard to keeping the negroes away from the polls?

(Counsel for contestee objects to the question as being too general and incompetent.)

A. I do not recall anything of the kind. I may or may not have heard such remarks.

Q. Was it not understood and agreed that an effort should be made by the members of the White Government Union at Maxton to keep as many of the colored voters as possible who did not agree to vote the Democratic ticket away from the polls?

(Counsel for contestee objects to the question as irrelevant and incompetent.)

A. I did not hear any agreement like that.

Q. What did you hear in regard to keeping colored voters away from the polls at Maxton precinct, either on the day of election held in November, 1898, or at any time during the campaign?

(Counsel for contestee objects to the question as incompetent, and for the further reason that the witness has not stated that he knew of any agreement whatever.)

A. I heard nothing on the day of the election. There was a resolution or a suggestion, I do not remember which, in one of our club meetings that each member would use his influence to control one vote for that election.

Q. Do you know whether or not any colored men were run in the town of Maxton on the day of the election in November, 1898, by men with red shirts on?

(Counsel for contestee objects to the question as irrelevant.)

A. I do.

Q. Was there not an effort made by men with red shirts on during the day of the said election to stop all colored voters who seemed to be coming toward the polls before they reached the vicinity of the polls?

(Counsel for contestee objects to the question as incompetent, and for the further reason that witness can not swear of his own knowledge as to the conduct of others.)

A. I remember seeing one man met and turned back. I have no distinct recollection further on the subject.

Q. Did you hear any talk on the streets, or anywhere in the town of Maxton, before or on the said day of election in November, 1898, or after said day of election, about the keeping of colored voters away from the polls?

(Counsel for contestee objects to the question as incompetent, and for the further reason that any answer could only be hearsay.)

A. I may have heard some such conversation. I heard nothing that I can relate.

Q. Do you know of any money circulated or advanced or paid or received to further the election of J. D. Bellamy to Congress at or before the election held in November, 1898?

(Counsel for contestee objects to the question as incompetent and irrelevant, and objects to any answer of the witness which is not of his own personal knowledge.)

A. I do not.

(Counsel for contestant here closes the direct examination of this witness.)

Counsel for contestee, without waiving the objection to taking further testimony on the part of contestant, as hereinbefore stated, proceeds to cross-examine the witness as follows:

Q. How many voting precincts in Maxton Township, and what are their names?—

A. Of my own knowledge, I know of one.

Q. In what precinct is the town of Maxton situated?—A. Maxton precinct No. 1.

Q. Is there not another voting precinct, known as Maxton precinct No. 2, in Maxton Township?—A. I have heard that there was.

Q. State as near as you can the length and breadth of Maxton precinct No. 1.—A. I should think it was about 5 or 6 miles across and about 6 or 7 miles long.

Q. State as near as you can the distance from Maxton to the southeastern part of Robeson County.

(Objected to by counsel for the contestant as irrelevant, and in the form in which it is asked is a mere guess of the witness and consequently not testimony.)

A. I should say it was about 35 miles.

Q. State as near as you can the distance to eastern boundary of Robeson County.

(Objected to by counsel for contestant as irrelevant, and for the further reason that any answer of the witness would be a mere guess.)

A. I should think it about the same distance—about 30 to 35 miles.

Q. State as near as you can the distance to the northern boundary of Robeson County from Maxton.

(Counsel for the contestant objects to the question for the reason that it is irrelevant, and the further reason that any statement of the witness in regard to the same is a mere guess.)

A. I should judge it is near 25 to 30 miles from Maxton.

Q. State as near as you can the distance to the southern boundary of Robeson County from Maxton.

(Counsel for contestant objects to the question for the reason that it is irrelevant, and for the further reason that no such matter or anything pertaining thereto was brought out in the direct examination of this witness, and for the further reason that any answer he may make will be a mere guess on his part, and for the further reason that the evidence, being on cross-examination and not controverting any evidence brought out on the direct examination of the witness, is wholly incompetent.)

A. Near as I can judge it is about 9 or 10 miles.

Q. State as near as you can the distance from Maxton to the western boundary of Robeson County.

(Objected to by counsel for contestant for the reason that the question is irrelevant, and for the further reason that any answer that the witness may make to the same will be a mere guess and is therefore not competent evidence.)

A. I should judge it to be about three-fourths of a mile.

Q. You stated in your direct examination that there was an organization in the town of Maxton at some time during the last campaign known as the White Government Union, and you stated that you were a member of this organization. Please state what this organization was.—A. I can only state what I learned from it. It was organized for the purpose of furthering the interest of white supremacy, as I understood it.

Q. Was it not an organization without secrecy, open to all white citizens as a legal political club organized for the purpose of encouraging and soliciting in a lawful manner voters to restore good government to North Carolina and Robeson County?—A. That was practically my understanding of the object.

Q. You stated in your direct examination that some citizens, and among them yourself, wore on some occasions a red jacket or shirt. Was this uniform worn for any unlawful purpose?—A. I can answer for myself: I did not wear it for any unlawful purpose.

Q. Was not this uniform worn, so far as you know, as a uniform of the legal political club to which you before referred?—A. It was, so far as I know.

Q. Were you in Maxton around and near the voting place nearly all day during the day of the last election held in November, 1898?—A. I was.

Q. Do you know of any voter who approached the polls or attempted to approach the polls for the purpose of voting and who was prevented, by violence, intimidation, or threats, from voting?—A. I do not.

(Counsel for contestee here closes the cross-examination.)

Redirect examination by COUNSEL FOR CONTESTANT:

Q. In what direction was James Campbell going when he was maltreated and turned around by parties with red shirts on, as stated by you in your first examination?

(Counsel for contestee objects to the question as irrelevant, and for the further reason that counsel for contestant has no right to cross-examine his own witness, and for the further reason that the question now asked the witness is not in answer to any new matter brought out by counsel for contestee.)

A. He was coming toward the town; he was walking in an easterly direction.

Q. How far distant was he from the polls, and was he not going in the direction of the polls when you saw him?

(Counsel for contestee objects to the question as irrelevant, and for the further reason that it is not in reply to any new matter brought out by counsel for contestee.)

A. It was about 150 or 200 yards from the polls, as I understand the courses and distances. He was not going in the direction of the polls.

Q. Was this man, James Campbell, when you saw him stopped and turned around by men wearing red shirts on the day of the election in November, 1898, on a thoroughfare of the town of Maxton which would have taken him, by following the streets of the town, to the polls?

(Counsel for contestee objects to the question as incompetent and irrelevant, and for the further reason that the question is not in answer to any matter brought out by counsel for contestee.)

A. I judge he could have followed the streets and gotten to the polls.

A. J. McKINNON.

Sworn to and subscribed to before me this March 9, 1899.

[SEAL.]

JOHN D. JOWERS, *Notary Public*.

I, John D. Jowers, notary public, before whom testimony was taken on the part of the contestant, at Lumber Bridge, N. C., on March 3, 1899, the witness there examined being W. A. Barber; and at Maxton, on March 8 and 9, 1899, the witness there examined being A. J. McKinnon, the said testimony taken at Lumber Bridge and at Maxton being contained in the foregoing pages, do hereby certify that the said testimony was taken before me, and that the same is the testimony, with the questions, answers, and objections, taken before me on the said 3d, 8th, and 9th days of March, 1899. I further certify that the original notice and subpoena to take depositions at Lumber Bridge has been attached to depositions taken before A. D. McLean, notary public, and myself while sitting together, and the ones for taking the depositions at Maxton on March 8 and 9, 1899, are hereto attached. I further certify that at the taking of all these depositions the contestant, Oliver H. Dockery, was represented in person by his counsel, B. F. McLean, and the contestee by his counsel, A. W. McLean.

Witness my hand and official seal at office in Robeson County, N. C., this 9th day of March, 1899.

[SEAL.]

JOHN D. JOWERS, *Notary Public*.

Notice to take depositions.

JOHN D. BELLAMY, *Contestee, Wilmington, N. C.*

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at the old court-house, in the town of Charlotte, Mecklenburg County, N. C., before C. L. Hunter, notary public, beginning at 9 o'clock a. m. on the 27th day of February, 1899, and continuing from day to day, if necessary.

I will examine the following witnesses, namely: W. S. Clanton, E. McDonald, Charlotte, N. C.; W. H. Alley, Martindale, N. C.; J. C. Stewart, W. S. Morton, Matthews, N. C.; G. C. L. Junker, Kingwood, N. C.; J. W. Mullen, Charlotte, N. C.; J. M. Caldwell, Davenport, N. C.; J. F. Bowers, Matthews, N. C.; J. M. Goode, W. M. McMullen, Peter Helton, T. C. C. Foster, L. A. Austin, Charlotte, N. C.; Will Strong, N. M. Potts, Shafton, N. C.; T. S. Cooper, Charlotte, N. C.; D. T. Strong, Ranaelburg, N. C.; Robt. W. Sosserman, Charlotte, N. C.; A. L. Smoot, Pineville, N. C.; T. W. Stegall, Kingwood, N. C.; Tom Connors, Pineville, N. C.

This the 21st day of February, 1899.

OLIVER H. DOCKERY,

Per OSCAR J. SPEARS, *Attorney*.

Oliver H. Dockery, contestant, vs. John D. Bellamy, contestee, Fifty-sixth Congress, Sixth district North Carolina, Congressional contest.

In the above-entitled case, pursuant to the foregoing notice hereto attached, the parties in the above-entitled case, the contestant, Oliver H. Dockery, represented by L. B. Chapin, and the contestee, John D. Bellamy, represented by J. W. Keerans, esq., appeared in the office of C. L. Hunter, esq., notary public, with James A. Bell as associate notary, he being selected by the contestee to sit with the said C. L. Hunter to take and hear the evidence, they proceeded to organize the court, at 9 a. m., on the 27th day of February, 1899. Court declared open at 1:45 p. m.

J. M. GOODE, being duly sworn, deposes and says:

Q. What is your name, age, and place of business?—A. J. M. Goode; age, 57; residence, 212 West Fourth, Charlotte.

Q. How long have you lived in Charlotte?—A. Twenty-four years.

Q. Did you hold any position under the last election?—A. I did not.

Q. Were you present at the registration of voters?—A. I was there off and on.

Q. Were you present on challenge day?—A. I was.

Q. Were there any challenges made that day?—A. Yes, there was; entered that day.

Q. What party made those challenges?—A. They were made by the Democratic party.

Q. Were you present on the day of the trial of the challenges?—A. I was present on that day.

Q. State what you saw that day in ——.—A. I went there that day by the request of the chairman of the county—ex chairman. I remained there during the trial. The committee who had canvassed, they had a lot of names, some I knew did live in the precinct. A motion was made to strike those names off and I objected to it. While we were discussing the matter one of the men appeared, so they let his name remain. After that they took up the rest. I laid down the man's name that they did not know. At that time Brown cursed me as a dam nigger for questioning a white man's word. Chairman McCall, the chairman of the Democrats, he spoke to them, and they got kinder quieted down and he said to me that we should not vote niggers as we did before. Then he said to me they were going to carry the election in spite of all they could do. Less than in twelve months they would teach me a lesson. That was about all that passed that day that I was interested in.

Q. Were those names taken from the registration book?—A. Yes, some fifty-seven odd.

Q. Do you know that those parties whose names were challenged lived in the precinct?—A. I knew some of them.

Q. What precinct was that?—A. Precinct 1, Ward 3.

Cross-examination:

Q. Do you know the political complexion of those that composed the board on challenge and election day?—A. Some claimed to be Democrats, some Populists, and some Republicans.

Q. Do you not know that under the election laws of this State that there was a majority appointed on said board that represented the Republican party?—A. Yes, sir; there was a majority of Republicans and Populists—three parties represented equally divided.

Q. Do you not know that the majority who constituted said board was personal friends to O. H. Dockery?—A. No, sir; I could not answer that question.

Q. Who was it that made the motion on trial day to erase certain names on the registration books?—A. To the best of my recollection it was J. D. McCall.

Q. Who was it that had some words with you about the matter?—A. A young man by the name of Brown, who is son-in-law to Wilson, the druggist, of Charlotte; also Richard King, and W. M. Thomas, the sanitary policeman.

Q. What did these men say to you?—A. Mr. Brown said that a damn black nigger that disputed his word he would knock hell out of him. King got up then and said that he would knock hell out of me if I disputed him. I said that I did not come there for trouble. Thomas said that if I contradicted his word that he would take me out of doors and give me a fair fight.

Q. Did you have any disturbances with Chairman McCall or anyone?—A. I had no disturbance with Chairman McCall.

Q. So that there was no disturbances around said precinct more than what you have related?—A. Nothing more than what I have stated with relation to myself.

Reexamination:

Q. Did you see any other disturbance on that or any other of the days?—A. No other day was there any disturbance, except that day there was some words passed there by others, but I do not know who.

J. M. GOODE.

Subscribed and sworn to before us this 27th day of February, 1899.

[SEAL.]

C. L. HUNTER, *Notary Public*.
JAS. A. BELL, *Notary Public*.

(Contestant in due time objected to all the questions and answers of the witness Goode on account of there being no specific allegations contained in the notice of the contestant as to the matters that he desired evidence about.)

THOMAS CONNER, being duly sworn, deposes and says:

Q. What is your name and age?—A. Thomas Conner; age, 29 years old.

Q. Where do you live?—A. Mecklenberg County.

Q. What township?—A. Steel Creek, I guess.

Q. Where did you live at the time of the last election?—A. Steel Creek.

Q. Did you attempt to vote at the last election?—A. The first attempt I made was to register.

Q. Were you allowed to register?—A. No, sir; I was not allowed to register—at least I didn't do it.

Q. Why did you not register?—A. I went to Pineville precinct, No. 2 to get my certificate of removal of registration, and they wouldn't give it to me.

Q. What did you do then?—A. I went home. They said that I didn't need any certificate. I went home then and stayed till next Saturday. I went to Steel Creek and tried to register, and they refused me on the ground that I didn't have a certificate. Mr. Culp, at Pineville precinct, told me (a Democratic registrar) that I didn't need any certificate and forme to go to the man that tore the book up the last past election and get a certificate, that he wasn't going to give me one. So I didn't vote at all.

Q. If you had been allowed to register and vote would you have voted for Oliver H. Dockery?—A. Yes.

TOM CONNER.

Sworn to and subscribed before us this 27th day of February, 1899.

[SEAL.]

C. L. HUNTER, *Notary Public.*
JAS. A. BELL, *Notary Public.*

T. A. AUSTIN, being duly sworn, deposes and says:

Q. What is your name, age, and residence?—A. My name is T. A. Austin; age is 58 years; residence, 403 South Church street, Charlotte, N. C.

Q. What precinct do you reside in?—A. Precinct 1, Ward 3, this county.

Q. Were you an election officer at the last election?—A. I was one of the registrars.

Q. Please state if there was any challenges.—A. I do not recollect the number of challenges; there was a good many.

Q. At whose instigation was those challenges made?—A. By the Democratic party, except one.

Q. Were you present at the trial of those challenges?—A. Yes, sir; I was.

Q. Was there any disturbances there on trial day? And if so, state how and when; who caused them.—A. A fellow by the name of Brown, a son-in-law of Wilson, the druggist, he made some threats; that he would thrash me if I would do so and so, as I had done with others. That is, if I disputed his word as I had done others.

Q. What occurred then?—A. There was no more said at that time between me and him, but at other times he said a good many things. Mr. Thomas, who was there, said that if I would go out of there he would give me a good thrashing.

Q. Was there any attempt made to intimidate you?—A. There were a good many of them that was using language that I thought they were trying to bulldoze me.

Q. Did they attempt any violence?—A. No one attempted to hit me, but threatened to do so strongly.

Q. What was the ground of those challenges?—A. That the Democratic board of canvassers for that precinct had failed to find the parties, and therefore challenged them.

Q. Were those challenges sustained?—A. Some were and some were not.

Q. To the best of your recollection how many were stricken from the registration book?—A. There were at least 40 or 50, I think.

Q. Do you know the politics of the parties whose names were erased?—A. They were supposed to be Republicans.

Cross-examination:

Q. You exercised the duties of your office on that day, did you not?—A. I did not leave and go away, but was very much interrupted.

Q. You performed your duties, did you not?—A. Well, I don't know if I did or not; I tried.

Q. Well, you voted when a question of challenge came up, did you not?—A. I did.

Q. What was the politics of your board?—A. Democratic, Populist, and Republican.

Q. The Republican and Populist members constituted a majority, did they not?—A. There was one Populist, one Republican, and one Democrat.

Q. Whenever a name was challenged, it was voted on by the board and a majority governed, did it not?—A. Yes.

T. A. AUSTIN.

Sworn to and subscribed before us this 29th day of February, 1899.

[SEAL.]

C. L. HUNTER, *Notary Public.*
JAS. A. BELL, *Notary Public.*

A. L. SMART, being duly sworn, deposes and says:

Q. What is your name, age, and residence?—A. Alexander Smart; age, 31; residence, Pineville, Mecklenberg County.

Q. Were you an officer at the last election?—A. I was.

Q. Please state if there was any challenges.—A. There was.

Q. How many?—A. Ten or more.

Q. State the ground of those challenges.—A. Two of them was ex-convicts; they had sent a list down there; that there was one Henry Patterson and Faith Wilson; and they produced evidence that they had never been in any difficulty; yet their challenge was sustained. I can't just remember what the ground was for all of them.

Q. Do you know whether they had ever been convicted of any crime?—A. They had not; they had been living about Pineville all their life and I knew them. There had been nothing against them.

Q. How many other challenges were made?—A. There were nine or ten.

Q. Do you know the cause of challenge?—A. Well, some for desertion of wives, one thing and another; some for adultery. I can't just recollect what all.

Q. Do you know if they had ever been to the penitentiary or chain gang?—A. I do; I know they have not.

Q. How many of the challenges were sustained?—A. About eight.

Q. What was the politics of those men challenged?—A. Populist and Republican.

Cross-examination:

Q. What was the politics of your board?—A. Republican and Democrat.

Q. Whenever a man was challenged it was put to a vote of the board, was it not, and a majority governed?—A. It was.

Q. You voted each time, did you not?—A. I did.

Redirect:

Q. How many members were on that board?—A. Four.

Q. What was the politics of the chairman?—A. Democrat.

Q. When a vote was taken on a challenge how was the result declared?—A. Generally the chairman was sustained.

Q. Did the chairman vote as a member of the board?—A. He did.

Q. If there was a tie, did he then vote as chairman?—A. He did.

Q. So he voted as a member of the board and as chairman of the board?—A. He did. Chairman's name was M. E. Culp.

A. L. SMART.

Sworn to and subscribed before us this 27th day of February, 1899.

[SEAL.]

C. L. HUNTER, *Notary Public*.

JAS. A. BELL, *Notary Public*.

ROBERT W. SOSSAMAN, being duly sworn, deposes and says:

Q. What is your age?—A. Twenty-nine.

Q. Where do you reside?—A. Charlotte, N. C., Mecklenberg County.

Q. Were you present when Senator Tillman spoke here in Charlotte during the last campaign?—A. Yes, sir.

Q. State the substance of that speech.—A. The greater part of the speech was mild and conservative, not differing greatly from the usual political campaign speech. In speaking of the campaign then in progress in the State he spoke at length on the negro issue, and in doing so drew comparisons between the condition of South Carolina and this State, and in one instance spoke of the great number of negroes in his own State—many more than in North Carolina—and although the negro vote of South Carolina far exceeded the white vote of South Carolina, yet the white man ruled. The negro cast his vote, but they had means of seeing that this great negro vote didn't affect the white people; in other words, the negroes vote, but the Democrats did the counting. He said again that he had been told that the Democrats of North Carolina had a great majority to overcome to establish white man's rule, but if this majority was not overcome, regardless of means and consequences, there would be a stigma on the white men of the State.

(Contestee specially objected in apt time to the questions and answers of this witness on the grounds that any synopsis of a speech of Senator Tillman, of South Carolina, is altogether incompetent and foreign to the controversy at issue.)

ROBT. W. SOSSAMAN.

Sworn to and subscribed before us this 28th day of February, 1899.

[SEAL.]

C. L. HUNTER, *Notary Public*.

JAS. A. BELL, *Notary Public*.

(The contestee duly objected in apt time to all the questions and answers of the witnesses in this deposition as being irrelevant and immaterial, and further that the contestant's notice to the contestee contained no specific and detailed statement of the facts or charges about which he desired to take evidence. This objection is noted here, and not under the testimony of each witness, for the sake of convenience.)

The above constitutes a true and correct statement of the proceedings before us in the above-entitled action. This February 28, 1899.

Witness our hands and notarial seal.

[SEAL.]

JAS. A. BELL, *Notary Public*.

C. L. HUNTER, *Notary Public*.

Notices to take depositions.

JOHN D. BELLAMY, *Contestee, Wilmington, N. C.*

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Rockingham, Richmond County, N. C., before W. M. Kelly, notary public, beginning at 9 o'clock a. m., on Thursday, the 23d day of February, 1899, and continuing from day to day if necessary.

I will examine the following witnesses, namely: S. M. Pankey, A. D. Spivey, Ellerbe, N. C.; Fuss Chappell, Bosticks Mills, N. C.; John F. Moora, A. G. Nicholson, Rockingham, N. C.; Haywood Blue, A. J. Butler, Hoffman, N. C.; H. H. Covington, W. A. McDonald, Benjamin Kelly, A. M. Long, Harry Stogner, A. T. Covington, John P. Cameron, Z. F. Long, W. M. Kelly, John C. Dockery, C. Dockery, Rockingham, N. C.; Pleasant Bowden, Covington, N. C.; O. H. Dockery, Mangum, N. C.; W. H. Quick, J. M. Dockery, Anthony Rateliff, R. J. Pierce, Bright Hammond, E. W. Manship, John M. Smith, Rockingham, N. C.; C. B. Milligan, Boyd Jacobs, Hamlet, N. C.; H. D. Gibson, Gibson, N. C.; Robert Stogner, Harry Bregman, Rockingham, N. C.

This the 18th day of February, 1899.

OLIVER H. DOCKERY,
Per OSCAR J. SPEARS, *Attorney.*

JOHN D. BELLAMY, *Contestee, Wilmington, N. C.*

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Laurinburg, Richmond County, N. C., before W. M. Kelly, notary public, beginning at 9 o'clock a. m., on Monday, the 27th day of February, 1899, and continuing from day to day if necessary.

I will examine the following witnesses, namely: J. A. McGregor, B. F. McGregor, Conclave, N. C.; S. M. Cole, Old Hundred, N. C.; Calvin Pipkin, ——— Hasty, N. C.; D. O. Patterson, D. H. Smith, A. H. Currie, Stewart, N. C.; W. H. Cooper, W. H. Cox, Laurinburg, N. C.; Joseph W. Carter, Laurel Hill, N. C.; J. S. Cooley, W. W. Bullard, Fontcol, N. C.; Joseph P. McLean, Laurinburg, N. C.; Nathan Gibson, Elmore, N. C.; John D. Shaw, jr., Laurinburg, N. C.; W. F. Gibson, Gibson, N. C.; K. A. Blue, M. L. Shaw, Rosa Shaw, Fuss Graham, Neill McLellan, John Williams, Edmond Wall, J. W. McLaughlin, Jessie Graham, Alex Smith, Jack Stubbs, Henry Monroe, Easter Campbell, Agga Dudley, Laurinburg, N. C.; Andrew Wall, Hasty, N. C.; S. W. Pate, Farley, N. C.

This the 20th day of February, 1899.

OLIVER H. DOCKERY,
Per OSCAR J. SPEARS, *Attorney.*

JOHN D. BELLAMY, *Contestee, Wilmington, N. C.*

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Rockingham, Richmond County, N. C., before W. M. Kelly, notary public, beginning at 9.30 o'clock a. m., on Thursday, the 2d day of March, 1899, and continuing from day to day if necessary.

I will examine the following witnesses, namely: C. E. Ashworth, T. R. Graham, Rockingham, N. C.; John Bailey, Newberry Jacobs, Hamlet, N. C.

OLIVER H. DOCKERY,
Per OSCAR J. SPEARS, *Attorney.*

O. H. Dockery, contestant, vs. Jno. D. Bellamy, contestee. Congressional contest, Fifty-sixth Congress, Sixth district of North Carolina.

The United States of America, to Henry D. Gibson, register of deeds, of Richmond County, greeting:

You are hereby commanded to appear before me at Rockingham, Richmond County, N. C., at 9 o'clock a. m., on Saturday the 25th day of February, 1899, then and there to testify in the above-entitled cause, in behalf of O. H. Dockery, contestant. And you are further commanded to bring with you the book containing the record of the number of votes cast at the various voting precincts in Richmond County at the election held on Tuesday after the first Monday in November, 1896, for Chas. H. Martin, and Jas. A. Lockhart, and the number of votes cast at the various voting precincts in Richmond County at the election held on Tuesday after the first Monday in November, 1898, for Oliver H. Dockery and for John D. Bellamy.

Given under my hand and seal on this the 21st day of February, 1899.

W. M. KELLY, *Notary Public.*

Received February 21st, 1899. Served February 23d, 1899.

O. H. DOCKERY.
T. S. WRIGHT.
M. L. HANSON, *Deputy.*

Notices to take depositions.

Oliver H. Dockery, contestant, *vs.* John D. Bellamy, contestee. Congressional contest, Fifty-sixth Congress, Sixth district of North Carolina.

JOHN D. BELLAMY,
Contestee, Wilmington, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Laurinburg, Richmond County, N. C., before W. M. Kelly, notary public, beginning at 9 o'clock a. m., on the 27th day of February, 1899, and continuing from day to day if necessary.

I will examine the following witnesses, namely: John F. McNair, Laurel Hill, N. C.; W. G. Quackenbush, Laurinburg, N. C.; William Johnson, Fontcol, N. C.

This the 21st day of February, 1899

OLIVER H. DOCKERY,
Per OSCAR J. SPEARS, *Attorney.*

Served February 23d, 1899, by delivering a copy of this notice to John D. Bellamy, contestee.

WALTER G. MACRAE, *Sheriff.*

Oliver H. Dockery, contestant, *v.* John D. Bellamy, contestee. Congressional contest, Fifty-sixth Congress, Sixth district of North Carolina.

JOHN D. BELLAMY,
Contestee, Wilmington, N. C.

SIR: You will take notice that I will proceed to take testimony in the above entitled cause at Laurinburg, Richmond County, N. C., before W. M. Kelley, notary public, beginning at 9 o'clock a. m., on Wednesday the 1st day of March, 1899, and continuing from day to day if necessary.

I will examine the following witnesses, namely: S. B. Carter, Old Hundred, N. C.

OLIVER H. DOCKERY,
Per OSCAR J. SPEARS, *Attorney.*

Served February 24, 1899, by delivering a copy of this notice to John D. Bellamy, contestee.

WALTER G. MCRAE, *Sheriff,*
Per OWEN FENNELS, *Deputy Sheriff.*

NORTH CAROLINA, *Richmond County:*

I, W. M. Kelley, notary public, of Richmond County, North Carolina, in the Sixth Congressional district, do hereby certify that the inclosed certificate showing my authority for taking the depositions of the witnesses for the contestant, Oliver H. Dockery, named in the said certificate, at Rockingham, N. C., on the 23d, 24th, and 25th days of February, 1899, which should have been attached to the said depositions, which were sent to the Clerk of the House of Representatives some time ago, were left out by mistake.

Witness my hand and notarial seal this 19th day of May, 1899.

[SEAL.]

W. M. KELLEY, *Notary Public.*

NORTH CAROLINA, *Richmond County:*

I, W. M. Kelley, notary public, of Richmond County, N. C., in Sixth Congressional District of North Carolina, do hereby certify that the depositions taken by me for the contestant, Oliver H. Dockery, at Rockingham, N. C.; on the 23d, 24th, and 25th days of February, 1899, and the depositions taken by me for the contestant, Oliver H. Dockery, at Laurinburg, N. C., on the 27th and 28th of February, 1899, and on March 1 and 2, 1899, which should have been put in two separate packages, were put together in the same package by me through mistake.

Witness my hand and notarial seal this the 19th day of May, 1899.

[SEAL.]

W. M. KELLEY, *Notary Public.*

STATE OF NORTH CAROLINA, *Richmond County:*

Pursuant to the annexed notice to John D. Bellamy, contestee, and in the above-entitled cause of the taking of the depositions or testimony of the following-named witnesses for the contestant, at Rockingham, N. C., to wit: H. H. Covington, L. H. Stagner, Turner Covington, B. A. Kelly, R. L. Stagner, J. F. Moore, A. M. Long, S. M. Pankey, Anthony Ratliff, A. J. Butler, J. M. Smith, A. G. Nicholson, H. D. Gibson, Z. F. Long, Claudius Dockery, C. B. Millikin, R. J. Pence, J. P. Cameron, C. E. Ashworth, W. A. McDonald, J. M. Dockery, W. M. Kelley, W. H. Quick, E. W. Monship, Haywood

Blue, Bright Hammonds, Boyd Jacobs, Henry Brigman, A. D. Spivy, John C. Dockery, Pleas Bowden, O. H. Dockery, T. R. Graham, John Bailey, and Newberry Jacobs.

I, W. M. Kelley, notary public, resident in the Sixth Congressional district of North Carolina, under the authority of law conferred on me by section 110 of the Revised Statutes of the United States, on the 23d, 24th, and 25th days of March, 1899, in the town of Rockingham, in Richmond County, N. C., Oliver H. Dockery, contestant, and John D. Bellamy, contestee, both being present by their attorneys, proceeded to take the depositions of the following witnesses for the contestant named in the notice aforesaid, to wit: H. H. Covington, L. H. Stagner, Turner Covington, B. A. Kelly, R. L. Stagner, J. F. Moore, A. M. Long, S. M. Pankey, Anthony Ratliff, A. J. Butler, J. M. Smith, A. G. Nicholson, H. D. Gibson, Z. F. Long, Claudius Dockery, C. B. Millikin, R. J. Pence, J. P. Cameron, and C. E. Ashworth, which depositions are hereto attached.

[SEAL.]

W. M. KELLEY, *Notary Public.*

NORTH CAROLINA, Richmond County:

We, the undersigned notaries public, resident in the Sixth Congressional district of North Carolina, do hereby certify that the inclosed annexed certificate showing our authority for taking the depositions of witnesses for the contestant, Oliver H. Dockery, named in the said certificate, at Laurinburg, N. C., on the 27th and the 28th days of February, and the 1st and 2d days of March, 1899, should have been executed and attached to the said depositions when they were sent to the Clerk of the House of Representatives, some time ago; but it was omitted from said depositions by inadvertence and mistake.

Witness our hands and notarial seals this the 19th day of May, A. D. 1899.

[SEAL.]

W. M. KELLEY,
Notary Public, Richmond County, N. C.

[SEAL.]

MAXCY L. JOHN,
Notary Public, Richmond County, N. C.

STATE OF NORTH CAROLINA, Richmond County:

Pursuant to the annexed notice to John D. Bellamy, contestee, and in the above entitled cause of the taking of the depositions or testimony of the following-named witnesses for contestant, at Laurinburg, N. C., to wit: D. A. Patterson, D. H. Smith, A. H. Currie, W. H. Cox, Jos. W. Carter, W. W. Bullard, S. W. Pate, John F. McNair, W. G. Quackenbush, William Johnson, J. D. Shaw, jr., W. F. Gibson, Dr. K. A. Blue, M. L. Shaw, J. W. McLaughlin, Alex. Smith, Harry Monroe, ——— Hasty, Andrew Wall, Calvin Pipkins, Jesse Graham, J. P. McLean, J. L. Cooley, Nathan Gibson, W. H. Cooper, B. F. McGregor, J. A. McGregor, S. M. Cole, S. B. Carter, Neill McLellan, Aggie Dudley, John Williams, Rosa Shaw, Jack Stubbs, Easter Campbell, Edmond Wall, and Truss Graham.

We, W. M. Kelley, notary public, and Maxcy L. John, notary public, residents in the Sixth Congressional district of North Carolina, under the authority of law conferred on us by section 110 of the Revised Statutes of the United States, on the 27th and 28th of February, 1899, and the 1st and 2d of March, 1899, in the town of Laurinburg, N. C., in Richmond County, Oliver H. Dockery, contestant, and John D. Bellamy, contestee, both being present by their attorneys, proceeded to take the depositions of the following witnesses for the contestant, named in the notice aforesaid, to wit: Calvin Pipkin, Jesse Graham, J. P. McLean, J. L. Cooley, Nathan Gibson, W. H. Cooper, B. F. McGregor, J. A. McGregor, S. M. Cole, S. B. Carter, Neill McLellan, Aggie Dudley, John Williams, Rosa Shaw, Jack Stubbs, Easter Campbell, Edmond Wall, and Truss Graham, which depositions are hereto attached.

[SEAL.]

W. M. KELLEY,
Notary Public.

[SEAL.]

MAXCY L. JOHN,
Notary Public.

TURNER COVINGTON, being duly sworn, deposes and says:

Q. What is your age, and where do you live?—A. My age is 46, and I live precinct No. 2 of Rockingham Township, Richmond County, N. C.

Q. What is your politics?—A. I am a Republican.

Q. What is your occupation?—A. I am a preacher.

Q. Have you been in a habit of taking an interest in working for the success of the Republican party, and did you do any work or take any interest for the success of the Republican party in the campaign of 1898?—A. I always did, and did take some in the last campaign.

Q. Were you notified some two or three weeks before the election that if you did not stop taking interest in the party that you would be visited at your house in the

nighttime?—A. I got two or three notices from somebody, I do not know who, that if I did not stop taking so much interest that I would be waited on. I was accused of registering two or three boys under age, but I did not register any.

Q. Do you remember the day that Senator Tillman spoke in Rockingham?—A. Yes; it was on Saturday.

Q. On the day that he spoke here did the Red Shirts ride through the town of Philadelphia; and were they shooting and cursing and making threats against the negroes of that place?—A. Yes; they rode through and there was some shooting done; they went through on one road and came back on another.

Q. Did they frighten any of the colored people of that town?—A. I suppose they did; they got so they would not stay at home.

Q. Did you hear Senator Tillman's speech?—A. I heard a portion of it.

Q. Did you hear him say anything about what they ought to do to the negroes?—A. What I understood was—the best I understood it—that he said they must stop the negroes, and the way to do it was to clip him in the bud.

Q. Did you hear him say anything about their going to the polls?—A. I did not.

Q. Was the Red Shirts parading the streets of Rockingham that day, and shooting?—A. They were parading, but I heard no shots while I was here. I heard several shots after I got out about the cemetery.

Q. Did any Democrat or Democrats go out through the town of Philadelphia on Sunday after Senator Tillman spoke here and on Sunday before the election and tell the colored people that they had better not come to the election; that, if they did, they would likely be killed?—A. Yes; there was some conversation similar to that. He said, "You fellows better mind;" and says, "What is the times, and how is politics?" Some of the boys said they were pretty hot. He says, "Yes, and they are going to be hotter than that;" said the Democrats was going to have the election this time, and then this country was going to be full of Red Shirts; said it was full of Red Shirts now, and then said, "Good-bye, boys; look out; if you don't, the devil will get you."

Q. Did a crowd go out to Philadelphia on the night before the election, shooting, cursing, and hollering?—A. Yes; on Monday night between 10 and 11 o'clock there passed through, between Sam Fletcher's house and the church. The wagon turned and came back this way, and when they got back against Sam Fletcher's house they said, "Hello, Sam Fletcher; poke your head out, you damned black * * * and then they began to shoot.

Q. Did they shoot into your dwelling house, or any one else's dwelling house in Philadelphia that night?—A. Yes; they shot into Wilson Moorman's house, Coma Wall's, and mine also, that night.

Q. Did you hear any shooting on the morning of the election?—A. I did; it was between Rockingham and my house.

Q. Did you go to the election?—A. Yes, I came.

Q. Did you see any parties around here on day of election dressed in red shirts?—A. Yes; I think I saw some in town with red shirts on, and around the polls.

Q. Did any Republicans fail to vote in your precinct?—A. Yes; I think there was about 14 or 18, colored.

Q. Did you ever hear any of them say why they did not vote?

(Question objected to.)

A. They said the times was so hot that they were scared.

Q. Did you ever hear any Democrat say that they were going to carry this election if they had to kill every damn negro to do it?

(Question objected to.)

A. Yes; I heard a white man say that they was going to rule this country if they had to kill all of the damn negroes from knee high up.

Cross-examined:

Q. Are you a colored man?—A. Yes.

Q. Isn't politics a part of the religion of all the colored preachers?—A. I don't think so.

Q. Don't all of them usually take an active part in politics?—A. The most of them do; not all.

Q. What Democrat was it that you heard say that they were going to carry the election spoken of in your testimony?—A. I did not know him.

Q. How could you tell he was a Democrat?—A. He said he was.

Q. Did you vote at the election?—A. Yes.

Q. Did anyone try to prevent you from voting?—A. No.

Q. Did you see anyone at the polls where you voted prevent any voter from voting?—A. No.

Q. Tell me the names of these 14 or 18 colored that you say told you they were afraid to go to the polls to vote.—A. All that number did not tell me so. The following did: Elijah Covington and William Covington was two that said they were afraid;

said times was too hot, and Ben Stacy and Sydney Stanback both told me so; also Jim Davis.

Q. Were the men who had on red shirts at the polls on day of election quiet and orderly?—A. Yes, sir.

Q. Was not the election at the precinct at which you voted quiet and orderly and peaceable?—A. Yes.

Q. How many persons were in the wagon that passed out through your country on the night before the election?—A. I did not know. I did not know any of them.

Q. What Democrat was it that was out there Sunday after Tillman spoke here?—A. Dr. Walter L. Steele.

Q. Did you hear much of Tillman's speech?—A. I reckon I stood and listened at him about three or four minutes; may be five.

Q. Were you near him?—A. No; I was out in the street.

Q. Where was he speaking from?—A. He was in the academy lot; I was 100 or 150 yards from him.

Q. Who was it did not stay at home after Tillman spoke here, and crowd rode through town?—A. There was five or six families, all huddled together about of a night.

Q. Was they women and children, or men?—A. They were women and children and men.

Q. What work did you do in the last campaign?—A. The only work I done, there was four or five boys, cousins of mine, picking cotton down near Robeson; I was going to Maxton, and went by and told them they had to get here before the registration books closed or they could not register.

Q. You say you were in the habit of working in previous campaigns?—A. Yes.

Q. What did you do?—A. About such work as that.

Q. Were you ever paid for any political work?—A. No.

A. T. COVINGTON.

Sworn to and subscribed before me this 23d day of February, 1899.

[SEAL.]

W. M. KELLY, *Notary Public*.

H. H. COVINGTON, being duly sworn, deposes and says:

(John D. Bellamy, the contestee, objects to the taking of the depositions under the notice given, for the reason that the same is not sufficient.)

Q. What is your age, and where do you reside?—A. Fifty-seven; I reside in precinct No. 1, in Rockingham Township, Richmond County, N. C.

Q. What is your politics?—A. Republican.

Q. Have you been in the habit heretofore, and did you during the campaign of 1898, take an interest and work for the success of the Republican party?

(Question objected to.)

A. I did.

Q. Did you make any speeches in the campaign of 1898?

(Question objected to.)

A. I did.

Q. Do you know of any intimidation practiced by the Democrats, either as individuals or as a party, before the election or during the campaign of 1898, on election day or since the election, in any of the precincts in Richmond County? If so, state the nature of the intimidation, when and where it was practiced, and the manner in which it was practiced.—A. For reasons best known to myself, and for the further reason that I was interfered with at Masons Cross and ordered out of town on Saturday, two weeks before the election, and on Sunday night after I was ordered out of town some parties came around my house and shot, for these reasons I am afraid to testify.

Q. Do you think, that it would now be unsafe for you to testify before this court?

(Question objected to.)

A. I do.

Cross-examined.

Q. You say you took an interest in the campaign of 1898, and made speeches.—A. Yes.

Q. Were you paid anything to make any of those speeches?—A. Nothing but my expenses.

Q. Who paid those expenses?—A. Claudius Dockery, candidate for the House of Representatives; John P. Cameron, candidate for solicitor, and Z. F. Long, candidate for clerk of the superior court.

Q. Were you promised anything more for those services besides your expenses?—A. I was not.

Q. Were any of these speeches made at night?—A. Yes.

Q. About what proportion of the speeches were made at night?—A. I do not remember the proportion, but think I made about a half dozen at night.

H. H. COVINGTON.

Sworn to and subscribed before me, this 23d day of February, 1899.

[SEAL.]

W. M. KELLY, Notary Public.

R. L. STAGNER, being duly sworn, deposes and says:

Q. What is your age?—A. Forty.

Q. Where do you reside now, and where did you reside during the campaign of 1898?—A. I reside in Rockingham, N. C., now; during the campaign of 1898, I resided in Lower Richmond, in Upper Williamsons Township.

Q. Were you at the election of 1898, at Old Hundred?—A. I was there in the morning about 8 o'clock.

Q. What is your politics?—A. I am a Republican.

Q. Did you go to the election with the intention of working for the Republican party on that day?—A. I was intending to go for that purpose, but I found out a day or two before the election that I would not be allowed to take any active part in it.

Q. Did you take any interest in and work for the Republican party, before the election, in the campaign of 1898?—A. I did.

Q. Were the polls at Old Hundred surrounded by men dressed in red shirts on day of election?—A. They were.

Q. Did you vote at Old Hundred on that day?—A. Yes, sir.

Q. Immediately after you voted on that day, was any assault committed upon you by parties dressed in red shirts, armed with pistols and clubs? If so, state the nature of the assault, and about how many was connected with it.—A. When I voted, a crowd of the Red Shirts came into the house and watched me very closely as to which way I was going to vote. I voted and walked out of the house. Someone of the Red Shirts says: "There goes the * * * ; we will get him." I went up toward Mr. Woodward's store and paid no attention to it. After I got to the store someone came to me and told me I had better get away from there as soon as I could. By that time the crowd of Red Shirts had gotten to the store and commenced cursing me for everything they could think of. I still paid no attention to them, but walked off. I saw they wanted a row, and I walked off toward Mr. D. H. Woodward's house. One man says: "There goes the d—d white-livered * * * let's make an object lesson of him this morning." I got up near Mr. Woodward's house. I saw about seven or eight jump over the fence. One of the parties jerked a board off the top of the fence—a 1 by 4—and broke off about 8 feet of it and brought it on under his arm. They came up very near me, and I asked them in a mild way where they were going. They said, "We are after you." I says, "Well, I am not hard to catch." The man that had the plank in his hand says, "Stagner, if you raise your hand we will kill you. Stop." And by that time there was about fifteen there, if not more. The man that had the board told another one in the crowd to tell me what he wanted to tell me, and if I moved he would fix me. By this time the other fellows came up and one ran his hand into his pocket and told the others to stand back, that he would fix me; and he might have shot me, had it not been for a Red Shirt friend of mine that came up and stopped him. I did not see any pistol, but I know that he had one, for the reason that I have seen him with them and know that he usually carries them. Mr. Gibson told them to let me alone; that they had no right to follow me off. They told me that they would let me off provided I would not come about the polls any more that day; and I promised them that I would not.

Q. What time in the morning did you vote?—A. About 8 o'clock.

Q. Did a large number of Populists and Republicans fail to vote on that day?—A. They did.

Q. Did you hear any of them say that their reasons for not voting was that they might be assaulted by the Red Shirts?

(Question objected to.)

A. Yes.

Q. Was any threats made or offered before the election in Williamsons Township to you by the Red Shirts of Williamsons Township?

(Question objected to.)

A. I was threatened at different times by them.

Q. Was your house visited by men in the nighttime?

(Question objected to.)

A. Yes. I was not at home; my wife was. One inquired for me; said he wanted to see me on some business; there was some switches trimmed up and sitting up against the end of the house next morning.

(Answer objected to.)

Q. Did you hear any gun or pistol shots fired off on the morning of the election at or near the polls?—A. I did hear two or three shots in succession about half mile from the polls. I do not know whether it was a gun or pistol; do not know who did it, and could not say that it was a Red Shirt.

Q. Were you forced to leave Old Hundred on account of the vote you cast and the interest you taken in the campaign of 1898?—A. I was, and have not lived there since the election.

Cross-examined:

Q. When did you leave Old Hundred?—A. I left on the day of the election.

Q. When did your family leave?—A. About one week afterwards.

Q. By whom were you forced to leave?—A. By the Red Shirts.

Q. Name them.—A. C. E. Duncan, S. B. Carter, F. E. Duncan, Thad. Madlin, and a good many others. I do not know their names.

Q. Are these the men that you say followed you to Woodward's house on the day of the election?—A. Yes; except Mr. C. E. Duncan.

Q. In your testimony, in speaking of these men following you after you voted, have you told all they did to you?—A. Yes; about as well as I can recollect.

Q. You say that you worked for the Republican party before the election in this last election?—A. Yes; to some extent.

Q. What work did you do?—A. I talked to the people and tried to get them to vote my way.

Q. Did you receive any pay for your work, or were you promised anything?—A. Not a thing.

Q. What time did you get to the polls on the morning of the election?—A. About 8 o'clock.

Q. How long did you remain there before voting?—A. About two minutes, I think.

Q. Were you interfered with or assaulted by any one before you voted?—A. No, sir; only my friends advised me not to vote for fear of trouble.

Q. Give me the names of your friends who so advised you.—A. S. M. Cole, A. C. Kelly, and Mr. Woodward.

Q. Were they at the polls?—A. No; they were up at the store, about 50 or 100 yards from the polls; they would not go down.

Q. How far is D. H. Woodward's from the polls?—A. I reckon it is a quarter of a mile.

Q. Who was it pulled the boards off the fence spoken of in your testimony?—A. That man, Thad. Modlin.

Q. Who was it that you say had a pistol, in your testimony, that you did not see?—A. One Mr. Gibson; I do not know his given name.

Q. Didn't you say he was in the habit of carrying one?—A. Yes; everybody told me he carried one, and I saw him with one myself.

Q. Which Mr. Gibson was it told them not to bother you, or let you alone?—A. Henry F. Gibson.

Q. Where was the election?—A. It was in Mr. Woodward's schoolhouse.

Q. Who was in the school when you got there the morning of the election?—A. I can't tell exactly, only the poll holders, for I did not stay in there but few minutes.

Q. Was the house crowded?—A. No; not until parties came in when I went to vote.

Q. Who came in?—A. A lot of the Red Shirts.

Q. Do you know any of them?—A. Yes; F. E. Duncan, Thad. Modlin, and D. F. Taylor.

Q. Did you return to the polls that day after you left?—A. No, sir.

Q. Who were the poll holders?—A. Monroe Livingston, M. C. Woodward, and C. H. Kelly.

R. L. STOGNER.

Sworn to and subscribed before me this 23d day of February, 1899.

[SEAL.]

W. M. KELLY, Notary Public.

R. L. STOGNER, recalled:

Q. Were you present at Masons Cross the day the Republican candidates were run off from there by the Red Shirts?

(Question objected to.)

A. I was.

Q. About how many men were there that day dressed in red shirts, and what was their general behavior there on that occasion?—A. I think there was between three and four hundred, and when I saw them they were after Mr. Henry Codrington, and Mr. John D. Shaw, jr., told them to let that man alone; that they had no right to bother him, and to turn him loose. A few moments after that, Mr. J. A. McNeill sent me word by a friend of mine to leave there—to leave there, that they said they were going to stop this crowd running after these Republicans.

Q. Did you leave in consequence of the message you received?—A. Yes; I left as soon as I received the word.

Q. Did any of the Republican candidates speak there that day?—A. No.

Q. Did you hear Cameron Morrison, chairman of the executive committee of the Democratic party of Richmond County, make a speech in the town of Hamlet during the campaign of 1898?—A. Yes.

Q. Did you hear him say, among other things, that the white people were going to rule this country or tear it all to pieces?—A. I heard him say that the white people of this country was going to rule this country or tear it down.

Cross-examined:

Q. Were you and your party during the last campaign trying to force negro rule upon the country?—A. No, sir.

Q. Then you agreed with Mr. Morrison that the white people should control?

(Question objected to.)

A. I did not agree with Mr. Morrison that the white people should control under his platform.

Q. Did you and your party in the last campaign advocate that the white people should control?

(Question objected to.)

A. I did; under a Republican rule.

Q. Did any of the candidates for whom you voted at the last election appoint negroes to office?—A. About as many, I reckon, as the Democrats did under their administration.

Q. Did you ever know as many negroes to hold office in Richmond County as were in office in 1898?—A. I do not know.

Q. What time did you get to Masons Cross on the day spoken of?—A. About 12 or 1 o'clock.

Q. How long did you remain there?—A. I suppose I stayed there twenty-five or thirty minutes.

Q. Was H. H. Codington a candidate for office?—A. If he was I did not know it.

Q. Who did J. A. McNeill send to you?—A. Joe Singleterry and Cuff McNeill.

Q. How long was this before the election?—A. I suppose it was about 20th of October.

R. L. STOGNER.

Sworn to and subscribed before me this 23rd day of February, 1899.

[SEAL.]

W. M. KELLY, *Notary Public*.

B. A. KELLY, being duly sworn, deposes and says:

Q. What is your age and where do you reside?—A. My age is 61; I reside in precinct No. 1, Rockingham Township, Richmond County, N. C.

Q. What is your politics?—A. I am a Republican.

Q. Did you attend the election in precinct No. 1, Rockingham Township, in 1898?—A. I did.

Q. Was the polls surrounded by men dressed in red shirts?—A. Yes.

Q. What time did you start to the election and what time did you get to the election?—A. We started about day and got there by sunup.

Q. Did you hear any pistol or gun shots as you went to the election or near the polls?—A. I heard some shots along the way as I went on to the election.

Q. During the day did you hear any shots near the voting place?—A. I do not remember, but I don't think I did.

Q. Were you in Rockingham on Saturday before the election?—A. I was.

Q. Was the town being paraded by men dressed in red shirts, on horses, and were they shooting pistol shots at random through the town?—A. They were.

Q. Did you hear Senator Tillman's speech?—A. Yes.

Q. Did you hear him say anything about what time and how the Democrats should go to the election and what they should do on the way?—A. Yes; he told them to start, as well as I recollect, at midnight or 1 o'clock on the night before the election and stay there until day and shoot some on the way.

Q. Do you remember his saying anything about the way they carried elections in South Carolina?

(Question objected to.)

A. I heard him say something about it, but have forgotten what he said.

Q. Was you here the night of the election?—A. I was.

Q. Was people shooting at random all over the streets that night?—A. Yes; they were shooting about the depot, and I thought, on Fifth avenue, in the town of Rockingham.

Q. Did you see or hear of any efforts being made by the town authority to suppress the lawlessness that was practiced here on Saturday before the election, on election day, or the night of the election?—A. I did not.

Q. Were you at Mr. H. H. Covington's on the Sunday night that his house was visited by a lot of men, and shot into? If so, state what they done.—A. Yes; I was there; they came there about 10 o'clock; I had gone to bed; they shook the door, and waked me up, and Mrs. Covington went to the door and asked who that was, and some one spoke and said it was Bill Cox from Laurinburg, and she ran into the room where I was, and said there was someone at the door, and I got up and went to the window to see who it was, and there was a man standing on each side of the door in the porch, and one at the steps in front of the porch, and two at the north corner of the house by the side of the porch. When I went to the window they saw me and walked off the porch and said something; I could not tell what they said, and they went off, and when they got to south end of the house, they shot about 25 times.

Cross-examined:

Q. How far were they from the house when they shot twenty-five times?—A. I don't know; they were a short distance.

Q. Did you know any of them?—A. I did not.

Q. You say one of them told Mrs. Covington that it was Bill Cox from Laurinburg, and wanted to see Mr. Covington?—A. Yes.

Q. What is Bill Cox's politics?—A. I do not know; I heard he quit the Democratic party; I do not know whether he is a Populist or a Republican.

Q. How long before the election was this night at H. H. Covington's that you speak of?—A. I could not tell how many days or how many weeks it was, but it was on Sunday after he came back from Masons Cross.

Q. There was a public speaking here Saturday before the election, was there?—A. Yes.

Q. Who spoke here on that day?—A. Tillman and others spoke; I only heard Tillman.

Q. Speaking was going on pretty much all day, was it not?—A. I think it was.

Q. Was there a parade of red shirts here that day?—A. There was; they met Tillman at the depot.

Q. In your examination I understand you to say that these red shirts were firing off their pistols or shooting at random in the town that day. At what places and when did you hear shots that day?—A. I heard them toward the depot and in the eastern part of the town, at different times during the day.

Q. Did you hear of anyone being shot in town that day?—A. I don't think I did.

Q. Do you know any other lawlessness committed by the red shirts in town that day?—A. Nothing, except I heard a man with a red shirt on cursing another man.

Q. Did you hear anybody else curse that day, except the Red Shirts?—A. Yes; I think I did.

Q. Was not the crowd here on Saturday before the election about as orderly as crowds of that size that generally attend public political speakings in the town of Rockingham?—A. There was more riding, but otherwise about the same.

Q. Did Tillman in his speech advise to shoot anyone?—A. No; he only told them to shoot on the way.

Q. Did not Tillman give the same advice to Populists that he did to the Democrats?—A. He told the Democrats when the Populists or Republicans would come over to them, not to throw it up to them nor cuss them about it afterwards.

Q. Was not there a large vote polled at precinct No. 1, Rockingham Township, which you attended?

(Question objected to.)

A. I had never attended that precinct before, and do not know.

Q. Did you see any persons who were prevented from voting, unless they were excluded by reason of challenges?—A. I do not think I did.

Q. Were you interfered with about voting?—A. Nothing, except the crowd that was around the fire asked me what I was going to do after the election, and I told them I was going to do the best I could, and they said anybody that voted a Republican ticket would have to hit the grit after the election.

Q. This had no effect on your vote?—A. No; I voted as I pleased.

Q. Where were you, on your way to the election, when you heard pistol shots?—A. I heard them before I left Will McDonald's house, and just beyond Mrs. Terry's; in the town of Rockingham, when I heard the next.

Q. How many shots did you hear while at McDonald's house, and in what direction were the shots?—A. I do not know how many, but I heard a heap of them—some 40 or 50, I think. They were an eastern course.

Q. How many did you hear when you got in town, and what direction were they?—A. There was about 4 or 5. They were right at the gate, near Mrs. Terry's house, on the right-hand side of the road as you go on.

Q. How far was this shooting from your polling place?—A. It was about 1 mile.

Q. Did you hear any at the polling place?—A. I did not, but some in that direction before I got there.

Q. Did any of the Red Shirts at the election prevent the poll holders and judges of election from discharging their duties?—A. Not that I know of. I was not there much of the time.

Q. Did you see them interfere with the judges and poll holders while you was there?—A. No.

B. A. (his x mark) KELLEY.

Sworn to and subscribed before me this 23d day of February, 1899.

[SEAL.]

W. M. KELLEY, Notary Public.

J. F. MOORE, being duly sworn, deposes and says:

Q. What is your age, and where is your residence?—A. Age, 37 years; residence, in Black Jack Township, Richmond County, N. C.

Q. What is your politics?—A. I am a Republican.

Q. Were you the chairman of the board of registrars in Black Jack Township in the election of 1898?—A. Yes.

Q. Were you present on election day at the polling place in Black Jack Township?—A. Yes.

Q. Was the polls at that precinct surrounded by men dressed in red shirts?—A. Yes.

Q. Were the Red Shirts present there that day cursing and firing off pistols near the polling place, and making threats against the Republican and Populist election officers and other Republican and Populist voters present?—A. Yes.

Q. Did a crowd of Red Shirts, headed by one E. N. Ingram, threaten to assault the election officers and tear up the ballot boxes, if the election officers did not agree to open the box and remove the ballot of one Julius Shepperd, who had voted a Republican ticket that day?—A. A crowd did make the threat, but I am not certain that it was headed by E. N. Ingram; he said he held them back.

Q. In consequence of such threats being made and for fear they would be assaulted and the election torn up, did the election officers agree to remove the ballot and was it removed by them?—A. Yes.

Q. Before the election on registration days were any threats made or offered to you by Democrats while in the discharge of your duty as registrar? If so, state what the threats were, and who made them.—A. Yes; there were some threats made. One Mr. Bob Hinson; said he wanted his name put down right, that if it was not right that the man that monked with him on election day would never monk with anybody else.

Q. On one occasion, at the place of registration, did not S. B. Ingram make certain threats against you, and afterwards make an assault upon you?

(Question objected to.)

A. He threatened smashing hell out of me.

Q. Did you have charge of the registration books on election day?—A. Yes.

Q. From what you know about the registration and from the number of votes cast there on that day, about how many Republicans and Populists failed to vote in Black Jack Township in the election of 1898?

(Question objected to.)

A. About 40, according to the books.

Cross-examined:

Q. How many white voters were registered in Black Jack Township?—A. I think there was about 92.

Q. How many registered colored votes?—A. About 162.

Q. How many votes were polled in Black Jack Township?—A. Two hundred and forty-one.

Q. How many for the Democratic candidates?—A. I think it was 85.

Q. How many for the Republicans?—A. One hundred and fifty-six.

Q. Were any votes refused by any of the judges of election unless challenged?—A. Only 1. That was thrown out after voting.

Q. Whose vote was this?—A. It was Julius Shepperd.

Q. What was the complaint against his vote?—A. His father said he was not old enough to vote.

Q. Give me the names of Red Shirts present on election day, firing off pistols.—A. I could not tell who fired pistols; I did not see a pistol shot.

Q. If you did not see the person shooting, how could you tell he had on a red shirt?—A. The breast of Red Shirts would go up toward the church and would get out of my sight and the shooting would take place, and then they would come back in a breast and they would holler out, "Hide out; we are coming."

Q. How far from the polling place was the church?—A. I think it was about 75 yards.

Q. What did S. B. Ingram threaten to smash hell out of you for?—A. He was

looking over the registration books and said, "I'll be damned if here ain't some names that I am going to take for perjury, for these boys were not old enough to work the road, and here they are registered." I said to him, "Ben, if you do that, you have got some on your side that has not come up right," and I did not say any more, and he jumped up and said, "God damn you, do you say that I would register anybody that is not right," he says. "I worked up this registration, and if you say it's not right I'll smash hell out of you." I told him I was running the registration books, and he went on to curse a great deal. I can not tell all he said. He did not hit me; he got up over me.

JOHN F. MOORE.

Sworn to and subscribed before me this 24th day of February, 1899.

[SEAL.]

W. M. KELLEY, Notary Public.

A. M. LONG, being duly sworn, deposes and says;

Q. What is your age and your residence?—A. Forty years old; reside at Rockingham, Richmond County, N. C.

Q. What is your politics?—A. I am a Republican.

Q. Are you postmaster at Rockingham now?—A. Yes.

Q. Are you chairman of the Republican executive committee of Richmond County, and were you chairman during the campaign of 1898?—A. I am now, and was during the campaign of 1898.

Q. Did you, as chairman of the Republican executive committee, publish a list of appointments for the county and legislative candidates to speak at in the different precincts during the campaign of 1898?—A. I did.

Q. Did the candidates fill all those appointments?—A. They did not.

Q. Do you know in what portion of the county they failed to fill the appointments?—A. Yes.

Q. In what portion was it?—A. Laurel Hill, Springhill, and Stewartsville townships, and a portion of Williamsons.

Q. Do you know why the candidates failed to fill the appointments as made and published by you? If so, state it.—A. Yes; they were met at Williamsons by a band of Red Shirts and not allowed to proceed with their speeches. I also received letters from that portion of the county, as chairman, saying that it would not be safe for the Republican candidates to go in that part of the county and fill the balance of their appointments. I also went down the next day to one of the appointments to ascertain if the Republicans thought it wise to fill the balance of the appointments, and after going I did not think, myself, it would be safe for the candidates to fill any appointments in that section of the county. I also visited Laurinburg, and was met by a parcel of men, about 40 to 60, who advised me not to return there again until after the election.

(So much of this answer as is hearsay and as refers to the contents of the letters mentioned is objected to.)

Q. For the reasons stated in the above answer you canceled the balance of the appointments that had been made and published by you for the county candidates to speak in that portion of the county?—A. Yes.

Q. Was it on Sunday you went to Laurinburg?—A. Yes.

Q. Did the crowd that you speak of waiting on you at the depot seem to be an organized band of men?—A. Yes.

Q. Did they have a spokesman for the crowd?—A. Yes; Mr. Quackenbush informed me that he was called as spokesman for the white people of that end of the county.

Q. Did he tell you for some of the candidates or other leading Republicans not go down there from this end of the county, or was his instructions confined to you?—A. He said that they, the white people, of that end of the county did not propose to allow the white Republicans from up about Rockingham to come to that end of the county and influence the negroes of that section any longer, or words to that effect.

Q. Did you, as chairman of the executive committee, receive letters and other communications from parties living in the four lower townships informing you that Republicans were being white capped at night and intimidated in various ways?

(Question objected to.)

A. Yes; various letters to that effect.

Q. Were you here on the day Senator Tillman spoke in Rockingham?—A. Yes.

Q. Was the streets being paraded by mounted men dressed in red shirts, and were pistols being fired at random through the town?—A. Yes.

Q. Did you see or hear of any efforts being made by the Democratic town authorities to suppress the lawlessness that was carried on here that day?—A. None whatever that I saw, and none within my knowledge.

Q. Where were you on election day?—A. At Lower Wolf Pit precinct, Richmond County.

Q. What time did you start to Wolf Pit?—A. I left home about daybreak.

Q. Did you hear any shooting between here and Lower Wolf Pit, or about Lower Wolf Pit, on the morning of the election?—A. Yes, a great deal in every direction; at Rockingham before I started, and all along the road; and after I got there they were shooting all around—there were people there with Winchester rifles in their buggies.

Q. Was the polls at Lower Wolf precinct surrounded on the day of the election with men dressed in red shirts?—A. Yes; and some Red Shirts from South Carolina was there.

Q. Were you at precincts No. 2 and 3 in Rockingham township during the day?—A. Yes. I came home in the evening to vote.

Q. Were the polls at each of these precincts surrounded by Red Shirts?—A. Yes; they were.

A. Were you in Rockingham the night of the election?—A. Yes.

Q. Were men dressed in red shirts parading streets, shooting, and cursing?—A. Yes; and some drunk.

Q. You have some knowledge of the registered vote of the county, don't you?—A. Yes.

Q. From your knowledge of the registration, and from what you know from the returns from the different precincts of the votes cast in 1898, about how many Republicans and Populists do you think there was in Richmond County who failed to vote in the election of 1898?—A. There must have been somewhere in the neighborhood of 1,500.

Q. Has any Republican or Populist who failed to vote in the election of 1898 told you, since the election, that the reason they did not vote was because they were afraid that violence would be done to them?—A. Yes; some told me the day of the election that they were afraid to go out and vote, and a number of them has told me since that they were afraid to go and vote.

Q. Did not the Democrats, for a few days preceding the election, do everything that was possible, without resorting to actual violence, to bulldoze, terrorize, frighten, and intimidate the Republican and Populist voters in Richmond County?—A. They did; and, in my opinion, in some cases they resorted to actual violence.

Cross-examined:

Q. In what portion of the town did you hear shots being fired on the day Senator Tillman spoke in Rockingham?—A. Well, there were so many places I would have to tell you that they were in the outskirts of town in every direction.

Q. What other lawlessness did you see that day, except hearing the firing of shots?—A. Cursing and drunkenness.

Q. You were at Lower Wolf Pit on the day of election?—A. Yes.

Q. Was the election quiet there?—A. It was quiet right on the grounds. There was a great deal of shooting and hollering and cursing off on the public roads.

Q. Was there a full vote polled at Lower Wolf Pit that day?—A. No.

Q. How much did it lack?—A. I do not remember now. I met some negroes and I tried to get them to go to the election, and they swore that they would not do it. They said the Red Shirts had been to their house on the night before and threatened them if they went out to the election.

(So much of the answer as is hearsay and has reference to the negroes he met is objected to.)

Q. What negroes did you meet on your way from the election?—A. I do not remember their names.

Q. How many did you meet belonging to Lower Wolf Pit?—A. Two that I remember that did not vote.

Q. Do you know whether the Republican leaders, including yourself, advised the negroes in the lower end of the county not to attend the election?—A. I did not.

A. M. LONG.

Sworn to and subscribed before me this 24th day of February, 1899.

[SEAL.]

W. M. KELLEY, Notary Public.

Previous to the signing of the foregoing deposition and immediately after the last question asked on cross-examination counsel for contestee asked permission of the notary to enter objection to all irrelevant questions and questions which called for hearsay testimony to which objections had not been entered on the direct examination. To this the contestant objects for the reason that Mr. Whitlock, an attorney for the contestee, was present during the time that the direct examination of this witness was being taken and did not then enter any objections except where objections are entered.

Notary refuses to permit objections to be entered in addition to those which were made during the direct examination.

L. H. STOGNER, being duly sworn, deposes and says:

Q. What is your age, and where do you reside?—A. Thirty-eight years old, and reside in Rockingham, N. C.

Q. What is your politics?—A. I am a Republican.

Q. Were you in Rockingham on Saturday, the day Senator Tillman spoke here?—A. I was.

Q. Was the streets of the town paraded that day by men dressed in red shirts, and were they firing pistols at random through the town?—A. Yes; the streets were paraded by Red Shirts, and I heard shooting about the depot; that is, in town.

Q. Did not a general state of lawlessness exist here on that day and Monday, and on election day, and the night of the election?—A. It did.

Q. Did you see or hear of any efforts being made by the town authorities to suppress the lawlessness that existed here during that time?—A. If I saw any, I have no recollection of it; I did not hear of any.

Q. On the night of the election was not the town paraded by men dressed in red shirts, cursing, hollering, and shooting in every direction, and was not your dwelling house shot into?—A. I was not down town that night, and I can not be positive about the parading and the shooting, except in my portion of the town. I did not see the shooting, as I was not out; there was so much shooting with Winchester rifles, I looked upon it as not being safe to be out. My front door was shot into, but I am not positive that it was done that night, but it was some time about then.

Q. Did you hear Senator Tillman's speech or any portion of it?—A. Yes.

Q. Do you remember the advice that he gave the Democrats, as to what time they should go to the election, and what they should do on the way, and how they should conduct the election? If so, state as near as you can what he said.—A. My recollection is that he told the people if they would take their guns along and shoot on the way it would not be out of place; I am not positive about that. He said for them to go early; I think, too, that he said if they could not carry the election by one means to carry it by another.

Q. Do you remember his saying anything about the Democrats being fools if they did not carry this election?—A. I do not recollect positively about that.

Q. Wasn't his speech a very incendiary one and appear to be made for the purpose and with the intention of inflaming the white people against the colored people?

(Question objected to.)

A. I thought a portion of his speech was incendiary.

Q. Where were you on election day?—A. I was at Beaver Dam precinct until, about the middle of the day, I came to Rockingham.

Q. Was the polls at that place surrounded by Red Shirts on day of election?—A. Yes.

Q. Were you at the polling places in precincts Nos. 2 and 3 in Rockingham Township on the evening of the election?—A. I was.

Q. Were the polling places in these two precincts surrounded by Red Shirts during that day?—A. They were.

Q. Did you hear any Democrats on Sunday, before Colonel Dockery was to speak at Ellerbe Springs on Monday, make any threats as to what they intended to do to him, or whether or not he should speak? If so, state who made the threats and the nature of the threats.—A. I was coming down the streets on that Sunday morning and met Mr. Wright, a candidate for sheriff on the Democratic ticket, and he spoke to some other gentlemen who was passing him and said that he would attend to Oliver to-morrow. Probably they asked him where he was going, and he said, I think, that he was going to preach, but I will attend to old Oliver to-morrow.

Cross-examination:

Q. Did you see any of the parties doing the shooting in Rockingham on the day of Tillman's speech?—A. No, sir; I only heard it.

Q. How do you know that they were dressed in red shirts?—A. I was told so by lots of my friends who was with them when they doing the shooting, and they said the Red Shirts was the ones that was doing the shooting.

Q. Isn't the depot at which you heard shooting on the day of Tillman's speech on the outskirts of the town near the corporate limits?—A. Yes; it is near the corporate limits, but is in reach of the town authorities.

Q. How did you know that some of the shots fired on the night of the election were from Winchester rifles?—A. Because at that time they were carried by a good many people, and were shooting in every direction at all times.

Q. Did you see any Winchester rifles that night?—A. No.

Q. How long after the election was it that you discovered the bullet hole in your door?—A. I suppose it might have been the next day; I am not positive.

Q. How much of Tillman's speech did you hear?—A. I heard nearly all of his speech.

Q. How far away from Senator Tillman were you?—A. I suppose I was 20 or 30 steps from him.

Q. Was it not quiet and orderly around the polls in Beaver Dam Township on election day?—A. While I was there it was.

Q. Was it not quiet and orderly around the polls at precincts Nos. 2 and 3, in Rockingham on election day?—A. In one sense of the word it was quiet. It looked to me like if some people here had come up and exercised their judgment and voted there might have been trouble.

Q. Was there any trouble brought about by anybody going up and attempting to vote according to his judgment?—A. None at the polls.

Redirect:

Q. Was not the intimidation so great before the election and practiced so thoroughly by the Democrats on the Republican and Populist voters as to necessarily make it quiet on election day?

(Question objected to.)

A. I thought it was.

Q. Was it not generally reported throughout this country and generally believed by all Republican and Populist voters, and actually known by a good many Republicans and Populists, that the Democrats of Rockingham Township were fully armed and equipped with Winchester rifles?

(Question objected to.)

A. Yes.

Q. Is it not a fact that the Democrats in certain precincts in Rockingham Township and outside of the town of Rockingham went through the country on different days before the election, armed with Winchester rifles, and in every way possible tried to frighten, terrorize, and intimidate, and keep the Republican and Populist voters from registering and going to the election?

(Question objected to.)

A. I do not know that of my own knowledge, but this was a general report among the people.

Q. Did you not, before the election, see Democrats going through the town of Rockingham and Roberdell, factory villages, and at other places in this county, armed with Winchester rifles?—A. Yes.

Recross-examined:

Q. Whom did you see going through the town of Rockingham and Roberdell, factory village, armed with Winchester rifles a few days before the election?—A. I saw John Manor for one, and Pender Hines was another.

Q. Don't you know Mr. Manor to be a great deer hunter?—A. Yes; he is said to hunt a great deal, but I never did know him to hunt deer in Rockingham.

L. H. STOGNER.

Sworn to and subscribed before me this 24th day of February, 1899.

[SEAL.]

W. M. KELLEY, *Notary Public*.

L. H. STOGNER recalled:

Q. Did you hear Senator Tillman say in his speech that if the Democrats could not carry the election one way to carry it another?—A. To the best of my recollection that is what he said.

Q. Did you hear Senator Tillman say, further, that he was invited to come over and tell how they carried elections in South Carolina?—A. If I recollect right, that is what he said.

Q. Did you hear any threats made by any leading Democrats in Richmond County that they were going to carry the county if they had to kill to do it?—A. On one occasion I did.

Q. Are you a subscriber to the Rockingham Rocket?—A. I am not, but it is sent to me.

Q. What is the politics of that paper?—A. Democratic.

Q. Have you received the last issue?—A. I have, a copy of which is hereto attached, marked Exhibit A,¹ and reference made to an editorial therein.

Cross-examined:

Q. Who was the Democratic leader whom you heard make threats that the Democrats were going to carry the county if they had to kill to do it?—A. Mr. H. S. Ledbetter was the gentleman.

Q. Where and when was this threat made?—A. In the hardware store in Rockingham during the campaign of 1898.

Q. Who was present, and to who was this threat made?—A. Myself, W. T. Kelly, Y. C. Morton, and others that I do not recollect. Mr. Morton, a Populist, and Mr. Kelly, a Democrat, had engaged in a little fight in the store; myself and others

¹ Omitted in printing.

stepped up to part them, and as we got them parted Mr. H. S. Ledbetter ran from the office in the back end of the store and remarked that we will have it if we have to kill them. I told Mr. Ledbetter and told him not to talk that way; it was against the law to kill people; and he said no more. The fight took place about an argument over politics concerning Senator Tillman from South Carolina.

L. H. STOGNER.

Sworn to and subscribed to before me this 24th day of February, 1899.

[SEAL.]

W. M. KELLEY, *Notary Public*.

R. J. PENCE, being duly sworn, deposes and says:

Q. What is your age, and where do you reside?

(Question and answer objected to.)

A. I am 39 years old, and I reside in the town of Rockingham, County of Richmond, State of North Carolina.

Q. What is your politics?—A. I belong to the People's Party.

Q. Do you remember the day that Senator Tillman spoke in Rockingham, and were you here that day?

(Question and answer objected to.)

A. I remember the day that he spoke here, but do not recollect the day of the month. I was here that day.

Q. Was the town full of Red Shirts on that day, and were the streets being paraded by mounted Red Shirts?

(Question and answer objected to.)

A. Yes.

Q. Did you hear or did you see one Bob Hamilton, a Democratic negro, standing on the public streets of the town of Rockingham in front of the stores of John W. Covington and W. I. Everett, making or pretending to make a Democratic speech?

(Question and answer objected to.)

A. I was at the court-house; I saw a crowd in front of Captain Everett's store; I heard some one speaking, but did not know at the time who it was, but after the crowd broke I saw Bob Hamilton come out across the street from Captain Everett's store with a white man, locked arms with him, but do not recollect who the white man was, and some one told me that Hamilton was speaking there that caused the sensation.

Q. Was not this negro Hamilton surrounded by white men dressed in red shirts, and did they not cheer him during the time of his speech?

(Question and answer objected to.)

A. Yes.

Q. Did not a great deal of lawlessness of various kinds exist here on the day that Senator Tillman spoke here?

(Question and answer objected to.)

A. It appeared that way to me.

Q. Where were you on election day?

(Question and answer objected to.)

A. I was at lower Wolf Pit.

Q. Was the polls at that precinct surrounded by Red Shirts?

(Question and answer objected to.)

A. They were not surrounded by them, but there was numbers of Red Shirts there?

Q. Were the Red Shirts in and about the polls during the time that the ballot was being taken?

(Question and answer objected to.)

A. Yes.

Q. Did you see any Red Shirt or Red Shirts at that precinct from South Carolina, and did you hear them say what their purpose was there?

(Question and answer objected to.)

A. On the morning of the election I left Rockingham and went to Lower Wolf Pit, and soon after I got there they—one man from Chesterfield, S. C., Mr. Sam Lee by name, he had on a red sash, and he took a stand in ten feet of the ballot box; sometimes he was standing and sometimes he was walking, but he kept that position all day, as long as there was any voting going on, and when the ballot was being counted I was in the house and stayed in there until the Congressional and judicial boxes were counted; then I came out and laid down by a pine tree. It was very dark. I heard two men talking, and recognized their voices to be Dr. J. H. Williamson and Sam Lee. I heard Sam Lee tell Dr. Williamson that he came over there for business; that he meant to help the Democratic party carry the election, and that he was just waiting for the ball to start; that he came there for that purpose; and he further told Dr. Williamson that those people on his place that voted against his politics to go home and throw them in the public road the next morning and he would guarantee him all the hands that he wanted from Chesterfield, S. C.,

He says that is the way we do them in our State when they do not vote like we want them to.

Q. Was this man Lee the same man that was standing and parading at the ballot box at Wolf Pit on election day?

(Question and answer objected to.)

A. Yes.

Q. Was not his manner and actions there on that day of a threatening and intimidating nature?

(Question and answer objected to.)

A. I considered it so.

Q. Were you at the voting place at upper Wolf Pit during election day; and if so, were the polls at that precinct surrounded by Red Shirts?

(Question and answer objected to.)

A. I came from lower Wolf Pit by upper Wolf Pit, and saw a few Red Shirts around there—about half a dozen. I came on to Rockingham and voted and went back to lower Wolf Pit; and on my way back, and near the voting place in upper Wolf Pit, I met four Red Shirts, and they were cursing and hollering in an intimidating way. After they passed me they fired off their pistols. It was just about a half mile from the voting place.

Q. Was not everything done by the Democrats that could possibly be done without resorting to actual violence, and in some cases was not actual violence resorted to, for a few days preceding the election to bulldoze, terrorize, frighten, and intimidate the Republican and Populist voters in Richmond County?

(Question and answer objected to.)

A. Yes; I heard of this violence, but it did not come under my observation. I know that the coroner held an inquest over a dead body in lower Richmond that they said was killed by Red Shirts.

Cross-examined:

Q. Will you swear that Sam Lee did not reside on the farm of Dr. J. H. Williamson (plantation) at the time of the election?

(Question objected to.)

A. I swear he did not reside there.

(Counsel for contestee objects to Mr. Cameron, counsel for contestant, making a suggestion to witness in regard to his answer to the above question, to the effect that Sam Lee had ran away long before that, and the further suggestion that Claudius Dockery, son of contestant and attorney for him, further suggesting that witness, if he knew that, could put it in his answer.

(To all this unnecessary and time-killing foolishness John P. Cameron, counsel for contestant, enters his solemn and everlasting protest, and declares that he never made any remark for the purpose and with the intention of prompting this witness.

One of the counsel for contestant, to wit, Claudius Dockery, son of contestant, protests that he has never intimated to the witness one single thing, except that when he gave his answer with his reasons that he had a right to have his reasons put on record; that he have his reasons recorded.)

Q. What act of violence, either on the day of election or during the campaign, came under your personal observation?

(Question and answer objected to.)

A. I have seen Red Shirts in the town of Rockingham and in the country carrying Winchester rifles, and I have heard hundreds of pistols' shots during the campaign within a quarter of a mile of my house in the town of Rockingham, and on the night of the election they were so near my house that I was uneasy for my safety.

Q. You live on one of the public streets of the town close by the homes of other citizens who are Democrats, or call themselves so, do you not?

(Question and answer objected to.)

A. I live in the town of Rockingham, on one of the public streets, by good neighbors, who claim themselves to belong to white supremacy; they do not claim to be Democrats.

Q. Did anyone go to your home or nearer your home than they were to the homes of your neighbors with their demonstrations and noise on the night of the election?

(Question and answer objected to.)

A. No.

Q. Were they not simply jollifying over their victory, and did they do you or any neighbor any harm, except with the noise?

(Question and answer objected to.)

A. I do not know what their intentions was; they did me no harm.

Q. Tell me what you mean when you use the word intimidation.

(Question and answer objected to.)

A. I construe the word intimidation to mean a person going around with red shirts and Winchester rifles threatening people about their free suffrage in regard to the ballot box.

Q. Give me the name of one man and as many more as you can who was approached by a man with a red shirt on and a Winchester rifle and told that he must not vote.

(Question and answer objected to.)

A. I did not see any man walk up to another man with a Winchester rifle and a red shirt on and tell him he could not vote. I have heard of it, but do not know it to be a fact.

Q. Who did you hear it was?

(Question and answer objected to.)

A. I do not recollect his name.

Q. Who told you of it?

(Question and answer objected to.)

A. I don't recollect.

Q. Who was the man with the Winchester, in the red shirt, who you heard so approach a voter?

(Question and answer objected to.)

A. I don't know.

Q. How many voters did you hear of who were approached by Red Shirts with Winchesters and told not to vote?

(Question and answer objected to.)

Answer. 125 in lower Williamsons.

Q. Give me the name of as many of them as you can and who told you of any one of the instances where they were approached.

(Question and answer objected to.)

A. I did not say that I knew any of the parties, but said that I heard that they were approached and told not to vote.

(Answer objected to as irrelevant.)

Q. Who did you hear was approached?

(Question and answer objected to.)

A. I heard that B. F. McGregor, candidate for register of deeds, and also his son, John A. McGregor, received notices to leave home.

(Answer objected to, because not responsive.)

Q. I want you to tell me who you heard was approached by a man with a red shirt on and Winchester rifle and told that he must not vote?

(Question and answer objected to.)

A. I have answered three times, and I can not recollect who it was.

Q. But you do swear that you heard that 125 in the county was so approached?

(Objected to upon the grounds that it is a repetition of the same question two or three times.)

A. No, sir; I did not say any such a thing.

Q. Do you know of your own knowledge of any act of violence on the day of election or during the campaign, of your own personal knowledge?

(Question and answer objected to.)

A. None except what I have stated.

Q. How many Red Shirts armed with Winchester rifles did you ever see together at the same time in Richmond County?

(Question and answer objected to.)

A. I have seen a great many Red Shirts in the town of Rockingham; they had no Winchesters, but have heard of them in other parts of the county.

(So much of the answer as is hearsay is objected to.)

Q. Did you ever see as many as a half dozen Red Shirts with Winchesters?

(Question and answer objected to.)

A. No; I never have seen any.

Q. Did you see a Winchester at the polls on election day?

(Question and answer objected to.)

A. I did not.

Q. Did you see anyone stricken, or any offer to strike anyone, on the day of election?

(Question and answer objected to.)

A. I did not.

Q. You hold a position in the revenue service under Mr. McKinley's Administration, do you not?

(Question and answer objected to.)

A. I do.

Q. At the time of the election you were register of deeds for Richmond County, having been elected by the fusion between the Populists and Republican parties, were you not?

(Question and answer objected to.)

A. Yes.

Q. Tell me if you saw any man stricken, or any offer to strike one, about politics during the campaign, not to mention what you have been told?

(Question and answer objected to.)

A. I did not.

Q. Did not you and other fusion leaders consider the count of the votes actually cast fair and honest, and your only complaint was intimidation which kept voters from voting?

(Question and answer objected to.)

A. The precinct where I was was a fair count; I can not tell anything about it anywhere else; I don't know.

Q. Have you ever heard any charge that the count was unfair; and if so, who from?

(Question and answer objected to.)

A. I have never heard anyone say anything about the count not being fair.

R. J. PENCE.

Sworn to and subscribed before me this 24th day of February, 1899.

[SEAL.]

W. M. KELLEY, *Notary Public*.

C. B. MILLICAN, being duly sworn, deposes and says:

Q. What is your age, and where do you reside?—A. My age is 31 years. I reside at Hamlet.

Q. What is your politics?—A. I am a Republican.

Q. Were you at Marks Creek precinct at Hamlet on the day of the last election?—A. Yes.

Q. Was the polls at that precinct surrounded by Red Shirts on election day?

(Question and answer objected to.)

A. Yes.

Q. Was the mayor and police officers of the town of Hamlet dressed in red shirts and around the polls on election day?

(Question and answer objected to.)

A. Yes.

Q. Was any of the Red Shirts drunk and cursing and otherwise acting disorderly around the polls there on that day?

(Question and answer objected to.)

A. Yes.

Q. Did you see any men around the polls in that precinct on election day—around with guns?

(Question and answer objected to.)

A. Yes.

Q. Did you see any pistols on the election grounds that day in the hands of Red Shirts and Democrats?

(Question and answer objected to.)

A. Yes.

Q. At any time before the election was threats made against you for the interest you were taking in and for the success of the Republican party, by the mayor and police officers of the town of Hamlet, by bartenders and other Red-Shirt Democrats?

(Question and answer objected to.)

A. Yes.

Q. Were any threats made or offered to you on the day of the election by the mayor and police officers and other Red-Shirt Democrats? And in consequence of such threats did you leave the polling place before the close of the polls and the counting of the ballots?

(Question and answer objected to.)

A. Yes.

Cross-examined:

Q. Do you hold a position under McKinley's Administration?

(Question and answer objected to.)

A. Yes.

Q. Did you vote at the late election?

(Question and answer objected to.)

A. Yes.

Q. Did you vote as you desired to?

(Question and answer objected to.)

A. Yes.

Q. How many guns did you see at your voting precinct on election day?

(Question and answer objected to.)

A. Two.

Q. Where were they?

(Question and answer objected to.)

A. They were right near the polls.

Q. Who had them?

(Question and answer objected to.)

A. They were citizens of Hamlet, but I do not remember their names.

Q. Were they in the house or out in the open ground?

(Question and answer objected to.)

A. They were out on the ground.

Q. What were they doing with them?

(Question and answer objected to.)

A. They just had them in their hands and acted in a very hostile and threatening manner for about a half an hour, and left right by the polls.

Q. Who did they threaten?

(Question and answer objected to.)

A. No one at all.

Q. How near the polls were they?

(Question and answer objected to.)

A. They were about 20 or 30 yards.

Q. Did they have on red shirts?

(Question and answer objected to.)

A. I do not remember about one of them; I am sure that one of them did; nearly everybody else did; I reckon he did.

Q. Did these men prevent any man who desired to from voting?

(Question and answer objected to.)

A. I don't hardly know about that; I really think there were one or two men who was prevented from voting their sentiments on account of these guns and red shirts.

Q. I ask you if a large number of former white Republicans and Populists were not on the side of the Democrats in your township in the last campaign?

(Question and answer objected to.)

A. I am not prepared to say about that; I have not made any personal examination.

Q. Did you not see numbers of men in your township with red shirts on who had formerly been considered Republicans or Populists?

(Question and answer objected to.)

A. No; I did not. I have seen men in my township who had never been considered anything, and nobody knew where to put them down at, that had on red shirts.

Q. These men had generally voted with the Republicans and Populists until the last election, had they not?

(Question and answer objected to.)

A. I don't really know anything about how they had voted.

Q. How many men were prevented by the violence and intimidation of the Red Shirts and other Democrats from voting in your township, and who were they?

(Question and answer objected to.)

A. I do not know of any especially, but I think there was one or two, possibly, who were prevented from voting as they wished.

Q. Was there not an unusually large vote cast in your township at the last election?

(Question and answer objected to.)

A. I could not say, not having paid any attention to former elections.

Redirect:

Q. Was not the intimidation practiced in Marks Creek Township, for a short time before the election, very severe and terrific? Did not the Red Shirts and White Government Union people hold a number of political speakings in the town of Hamlet, just preceding the election, and at one of these Democratic Red Shirt rallies was not a negro killed by a Red Shirt Democrat in a barroom?

(Question and answer objected to.)

A. Yes; I think it was severe and terrific, yes.

Recross-examination:

Q. Did you see them kill him?

(Question and answer objected to.)

A. No; I did not see him kill him, but it is the general supposition of everybody that he did kill him, and he don't deny it.

Q. Was the Red Shirt rally and speaking attended by the men who did the shooting?

(Question and answer objected to.)

A. I don't know; he is a railroad man who was supposed to be at his duty.

Q. Of your own personal knowledge do you know anything about the facts connected with the killing?

(Question and answer objected to.)

A. Nothing more than Brooks, who did the shooting, left Hamlet, and returned

about a month ago and surrendered to the sheriff of Richmond County, and is now out on bail.

N. B. MILLIKIN.

Sworn to and subscribed before me this 24th day of February, 1899.

[SEAL.]

W. M. KELLEY, *Notary Public*.

CLAUDIUS DOCKERY, being duly sworn, deposes and says:

Q. What is your age and where is your residence?—A. My age is 33; my residence is in precinct No. 3, of Rockingham Township, Richmond County, N. C.

Q. What is your politics?—A. I am a Republican, a son of the contestant.

Q. Were you a candidate for the legislature on the Republican ticket in 1898?—A. I was.

Q. Did you make a canvass of the county?—A. A portion of the county, I did.

Q. Did you have any appointments to speak at which you did not fill?—A. Yes, as a candidate on the county ticket.

Q. Why did you not fill them?—A. Because of the unusual conditions in that portion of the county. The first appointment which we did not fill was at Masons Cross. I went from Rockingham the morning of the day of the appointment to fill the one at Masons Cross. Most of the other county candidates had filled an appointment at Old Hundred the day before, and went from there to Masons Cross, I suppose. On my way to Masons Cross, being late, I met some negroes, whom I did not know, within, I think, about two or three miles of Masons Cross. I asked them if they were not going to the speaking. They said, "No." I said, "Why?" They said, "There is too many Red Shirts there for us." I asked them if many people had gone on. They answered, "A great many Red Shirts had gone on in buggies." I drove on and, I think, within a mile or a mile and a half of Masons Cross, I met some of the county candidates coming away. We came back to Rockingham and consulted about filling the other appointments in the lower end of the county. Before the next appointment we learned of the conditions from Republican workers in the lower end of the county, the territory in which our appointments had been made, that it would be dangerous to our voters in that section if we attempted to fill the appointments there. We then canceled the appointments and decided upon a house-to-house canvass, as far as it was possible, by workers whose business could not easily be ascertained by the leaders of the Red Shirt crowd. After that no speeches were made in that section by any one of our candidates that I know of.

(All of the foregoing answer that is not within the personal knowledge of the witness, and is hearsay, is objected to.)

Q. Did Colonel Dockery have an appointment to speak at Ellerbe Springs on Monday before the election?—A. He did.

Q. Did you accompany him to Ellerbe Springs on that day?—A. I did.

Q. Tell in your own way what transpired there that day, and what kind of a crowd met you.—A. We arrived at Ellerbe Springs about 12 o'clock, I think. On our way to the Springs Red Shirts mounted on horses frequently passed us, using insulting language and firing pistols in all directions. As we neared the Springs squads of Red Shirts were coming in on all roads that came into ours leading to the Springs, whooping, hollering, and firing off pistols in all directions, it seemed to us. As we passed through the Fair Grounds, a village a mile this side of the Springs, crowds of Red Shirts—I do not know how many—passed us, calling us damned niggers, and saying that they would attend to us. When we reached the Springs we met a crowd coming from the other direction, yelling and firing their pistols, all mounted on horses, and numbering at least from 50 to 100. As we drove into the grove, where the speaking was to be made, this crowd came in right behind us. There was already around the speaking stand a crowd of Red Shirts, numbering, according to my estimate, from 100 to 150—possibly 200. When they saw my father and myself driving in, both crowds, rushing together and practically surrounding us, began yelling and hurling their insults at us and firing their pistols over our heads for at least five minutes without stopping. We remained there at least two to three hours, and at short intervals during the entire time, and sometimes for minutes, they would fire their pistols around us and yell their insults at us. When we reached them we found on the outskirts of the Red-Shirt crowd a fairly good sprinkling of citizens in civilian clothes. After the firing had gone on a short while, most of these citizens had disappeared and gone for parts unknown. My father called a conference of what white friends he had there, and told them that if they said so he would attempt to speak. They conferred among themselves, and advised him that as a great many of the mob seemed to be drunk it would be dangerous for them and himself. He then remarked: "Get our folks together; we will go out to the public road, and I will talk to them a few minutes and advise them what to do on election day." They did so and he began to talk to them, when the mob of Red Shirts, or part of them, rushed out to the public road, firing their pistols as they went. We then decided to

hitch up and go. While we were hitching up our horses, three gentlemen having on red shirts waited on me. They were Neill G. Nicholson, Cappedge Capel, and Bud Baldwin, alias Alfred Baldwin. They stated that they were a committee appointed by the Democratic party, alias the White Man's Party, of Steels Township, precinct No. 2; that it was made the duty of that committee to advise me that it would not be safe for me to attend the election at that precinct on the next day. I told them that I had a right to go there; that I was going there as a peaceable, law-abiding citizen to look after my rights. One of them, Mr. Nicholson, I think, remarked that they would not be responsible for what was done to us, or about those words. I told them that I would be there, and left. As we drove off from the Springs, someone in the crowd behind yelled out: "You had better go in a hurry; if we catch you after night we will kill you scoundrels and dump you in a ditch." We drove on, then, to my father's home at Mangum. Next morning, the day of election, John Dockery and myself left early for the polling place in precinct No. 2, Steels Township, above referred to. We reached there about a half an hour by sun. We found on arrival about 30 to 40 Red Shirts. We found the Democratic poll holders with red shirts on. Very soon after I got out of the buggy Mr. Neill G. Nicholson, who claimed to be chairman of the committee who waited on me the day before, came up to me and called me a damned black scoundrel. I said: "Mr. Nicholson, I understand your object in attempting to insult me. I will take insult from you to-day, or anyone else; but I will try and see you later." I then attempted to find Pleas Bowden, who has, ever since I have known him, been the leading worker among the colored people in that township and that precinct since its creation. I found him after awhile, and told him that I had tickets; that I had Republican tickets that I wanted to give to distribute that day. He replied that he could not do it; that he was afraid; that the night before a crowd of Red Shirts, among them Mr. Neill G. Nicholson, had gone to his house, warned him to take no part in the election, and after leaving had fired pistol shots or gunshots all around his house. During the entire day the ballot boxes were surrounded by Red Shirts, and at one time a Red Shirt by the name of Bowers, appearing to feel his liquor, paraded up and down in front of the boxes, and motioning toward the negroes that were standing off, saying: "Come on here, you damned niggers, and vote, and we will kill fifteen of you." I asked someone near me who he was. I pulled out my book and wrote down his name. This man went to him then and whispered something to him. He then said: "Come here, you damned niggers, and vote, and we will kill fifteen of your votes." All during the day these Red Shirts, drinking a lot, were endeavoring to insult with their vile epithets every white man who went there who was supposed to be a Republican. When a white man would come about whose vote they were uncertain, these Red Shirts would rush around and crowd him by dozens, and bedevil him and almost force a Democratic ticket in his hand. If he did not yield to the pressure they would curse him, call him a white-livered nigger, and other epithets of a similar nature. This practice continued up to the time the votes were polled.

(So much of the foregoing testimony as is hearsay is objected to.)

Q. Was it apparent to any unprejudiced man that the Democrats for four or five days preceding the election, and on election day, were doing everything possible, without resorting to actual violence, to bulldoze, terrorize, frighten, and intimidate the Republican and Populists voters throughout Richmond County?

(Question objected to.)

A. It was very apparent to me, after talking with many Republican and Populist workers, that the Republican and Populist forces were generally intimidated. I found wherever I went this feeling of fear or uneasiness, which to a large extent prevented our organizing our forces, getting many to register, and many to vote after registering. It is a fact that we received letters from nearly every portion of the county, especially from the lower end of it, telling us of such conditions of affairs as this. Many of our leading workers, through fright, had to leave their homes and come to Rockingham, remaining away for days, most of them until after the election. This feeling was so general that it seems the results of it would be apparent to anyone who looked at the situation.

(Answer objected to.)

Q. Isn't it a fact that a large number of Republicans and Populists in Richmond County failed to vote in the election of 1898, and hasn't some of these since the election told you that the reason why they did not vote was because they were afraid violence would be offered them in some way or other?

(Question objected to.)

A. I think it is a fact; some have told me. I have been in the county very little since the election, and have seen only few to talk with them. Two days after the election I saw the Republican and Populist candidate for register of deeds, and one of our registrars of election in the city of Raleigh. They told me that they had been compelled to leave home through fear of violence, and were prevented from getting to their polling place on day of election. The candidate for register of

deeds was at the time holding the position of chairman of the board of county commissioners of Richmond County; his name is B. F. McGregor, and the registrar was J. A. McGregor.

Cross-examined:

Q. Was not the principal issue in the last campaign that this State should be controlled by white men?—A. I think not.

Q. What did you consider the principal issue?—A. I could find no issue. The only question discussed by any Democratic speakers that I heard was that white men should rule. No Republican or Populist speakers whom I heard ever controverted this proposition. The Republican and Populist speakers discussed questions or principles enunciated in their platforms, mainly a free ballot, honest elections; some discussed national questions.

Q. What position did the Republican and Populist speakers take in their speeches in regard to negroes holding office?—A. They took the position that the white people would rule, and there was no danger of negro domination; they took the position further that the Democratic party, as a party, had been as liberal toward the negro, in the way of dealing out offices to him, as the other two parties.

Q. Have you ever known a negro nominated for office in a Democratic convention in North Carolina or in Richmond County?—A. I have heard of some being nominated in Richmond County.

Q. For what year and for what office?—A. I do not know the year; office of county commissioner. I have further heard that a negro was on the Democratic ticket for town commissioner for the town of Rockingham; I do not remember the year. I have further heard that the Democrats had nominated and elected by their methods of election at the time, a negro magistrate. I have not looked up the history of these cases and can not give the details.

Q. Now, give us offices in Richmond County filled by negroes, as far as you can recollect.—A. I have heard of a negro being sent to the legislature from this county; I have heard of a negro being elected register of deeds in this county; I have heard of negroes being elected magistrates in this county—several, I do not know how many; there have been colored school committeemen in this county under both parties as far back as I remember; there was also one colored man on the county board of education; he resigned. Most of these facts I speak from hearsay.

Q. Under Democratic administration did not negro school committeemen have charge of colored schools only?—A. I think they did, and under Republican administration I have never heard of their assuming control of any white schools. The negroes appointed under the Republican administration were appointed by a board of education, composed of three men—one elected as a Republican, one elected as a Democrat, and one elected as a Populist.

Q. Does not the school committee last referred to have charge of both white and colored schools?—A. The law provides as much; I have never heard of any committee where a majority were not white.

Q. What party was in power when that law was passed?—A. The Republicans and Populists combined had a majority; only one man in the lower house, however, when it passed, raised his voice against it, and he was a Republican; all the Democrats either voted for it or not voting against it.

Q. How many Republicans in Steeles Township do you know that failed to vote in the last election?—A. I have not talked with the Republicans of Steeles Township and have no means of knowing.

Q. How many Populists failed to vote in Steeles Township?—A. I have been in Steeles Township only two or three nights since the election; have not talked with the people, and have no means of knowing.

Q. How many Republicans and Populists failed to vote in the last election in Mineral Springs Township, Black Jack, Beaver Dam, Rockingham, Wolf Pit, Marks Creek, Upper Williamson, Laurel Hill, and Spring Hill?

(Objected to.)

A. Not having examined the records or talked with the people of these townships who know, I can not say.

Q. From whom did you receive letters from nearly every part of the county in regard to the manner in which the election was held?—A. I have not received letters from parties all over the county giving me information in regard to the manner of holding the election. I did receive letters from parties, whom I can mention, in sections of this county, bearing upon the manner of conducting the campaign and the management generally of the campaign on the part of the Democratic leaders. Among these were letters from Cuff McNeill, William H. Cox, Henry Monroe, and a colored man by the name of McLeod. I saw letters from other parties in various sections of the county to the chairman of the Republican county committee and, I think, to the candidate for clerk of the superior court, and possibly to the candidate for sheriff; about the latter two I am not absolutely sure. When I said above that we received letters from various parts of this county telling us of the conduct of

the campaign or the management of the election, I had reference to these letters received by our candidates and party organization.

Q. From what townships did these letters come?—A. I know of letters that came from Williamsons, Stewartsville, and Laurel Hill; I recollect the chairman of the Republican party telling me of letters that he received from different colored men, whom I could not locate; these letters referring to the methods of intimidation and the manner of conducting the campaign, so far as I recollect it.

Q. Have you any of these letters?—A. I have not; I think the chairman has.

Q. What leading workers, through fright, came to Rockingham before the election?—A. Cuff McNeill, I recollect, a leading colored worker; J. A. McGregor, a white man, registrar; William H. Cox, an attorney at law, Laurinburg, N. C.; a colored school teacher by the name of McLeod, and a man from Laurel Hill; I do not remember his name now; I know him when I see him.

Q. Which of these remained away and did not go back till the election?—A. B. F. McGregor and J. A. McGregor did not go back, and I did see one or two colored men here since the election who told me they had not been back and were afraid to go back, whose names I do not know.

Q. I think you stated you were at Mineral Springs the Monday before the election?—A. I did.

Q. What time of day did you get there?—A. I have testified that I got there about 12 o'clock.

Q. What time did you leave?—A. We were there from two to three and possibly more hours.

Q. Did not some of the Democratic candidates have an appointment to speak there that day?—A. I had never heard of it.

Q. Did you hear it that day?—A. I did, two weeks after my father's appointment had been made and after the mob had forbidden him to speak; action as a whole and by words as a part.

Q. Did not Thomas C. Leak tell your father to speak if he wanted to and assure him that he should not be interfered with?—A. I heard only one conversation between Thomas C. Leak and my father; at that time I heard Thomas C. Leak tell him that if he spoke, he, Thomas C. Leak, could not be responsible for the result because, as he stated, the crowd was getting uncontrollable, and I knew at the time that at the beck and call of Thomas C. Leak that the greater portion of that crowd could be sent back to the factories by Thomas C. Leak and his influence.

Q. Do you mean to say that the conduct of this crowd, such as you have described, was directed by Thomas C. Leak?—A. I do not say so; but I do say that a greater portion of it could have been directed by him.

Q. And do you say that he did not tell your father that he could speak and assure him that he would not be interfered with?—A. I have given the substance and as near as I can the words of the only conversation I heard between them. I heard my father say in reply, "When I want your advice I will ask it," or words to that effect. What conversation took place between them at other times I do not know; I can not say that any did. This conversation took place just after we got out of the buggies.

Q. Were you present with your father all the time that he was at Mineral Springs that day?—A. I was on the grounds, but not by his side, and not in hearing distance of everything he said; and at times the mob may have been between me and him, so that I could not have seen him.

Q. At what time did you reach precinct No. 2, Steeles Township, on the day of the election?—A. I think somewhere about half an hour by sun; certainly, according to my recollection, not later than an hour by sun.

Q. How far did you travel that morning to get there?—A. Not over 10 miles.

Q. How long did you remain there?—A. I think I left just about dark.

Q. Was any voter there prevented from voting?—A. I do not know whether Pleas Bowden voted or not; I do not know whether men came there and went away without voting or not; I do know that some went and voted as they did not want to vote.

Q. Give me the names of those.—A. I can give you the name of Mr. Johnson, who told me after he voted that he had voted the Democratic ticket, and was sorry; that he had never voted it before.

Q. Can you give the names of any others?—A. I can not recall the names of any others.

Q. Where does Pleas Bowden live?—A. Pleas Bowden lives in about 200 yards of the voting place in precinct No. 2, in Steeles Township.

Q. Is he alive?—A. I have not heard of his death.

Q. You were not scared and intimidated on the day of the election, were you?—A. Not enough to keep me away from the election grounds.

Q. How long before the election were you nominated candidate for the legislature?—A. I think it was somewhere about two weeks.

Q. You did not know the negroes you met as you were going to Masons Cross?—A. No; it was about 2 o'clock p. m.

Q. Give me the names of the Republican workers in the lower end of the county that you got your information from.—A. I think the information came from Henry Monroe and others; my recollection is that I got it through Mr. A. M. Long and Mr. Z. F. Long.

Redirect examination:

Q. Did you make a speech at Holly Grove Church in Black Jack Township during the campaign of 1898?—A. I did.

Q. Was your meeting interfered with during the time you were speaking or after the speaking was over; and if so, who interfered with it and how was it interfered?—A. When I arrived there some said that Mr. Ben Ingram and some white men were out around the schoolhouse. Mr. Ben Ingram was considered a leader among the Red Shirts of that township. I noticed the colored people were rather restless and on the lookout for something to happen, and I recollect that someone in the crowd said that Mr. Ingram said that we should not have any speaking. I was up speaking, and had about finished three-fourths of my speech when I heard two or three or four hundred yards off, up the road or in the woods, pistol shots, enough, it seemed to me, to have come from several pistols. This created quite a commotion among the negroes and the white people that were present, and several left the house. I advised them to be cool, that no harm would be done; it was simply a bluff, and concluded my speech with that. After I finished one or two of the leaders got up and advised the audience to keep cool, that no harm was intended; it was simply to intimidate them, or words to that effect. About the time these speakers had finished about all the audience had gone out of the schoolhouse and went away at once.

Cross-examination:

Q. About what time was it when you finished the speaking?—A. I think it was about 10 o'clock at night.

Q. About what time did the speaking begin?—A. I do not know; they were speaking when I got there, and I got there about 9 o'clock.

Q. Was the crowd mostly negroes?—A. A large majority was.

Q. Did you see Ben Ingram that night?—A. I did not.

Q. The only interruption that you know of of your own knowledge was that you heard some pistol shots three or four hundred yards off; is not that so?—A. I heard, two, three, or four hundred yards off, pistol shots seeming to me to come from several pistols; that was the only interruption that I know of of my own knowledge, but it was sufficient to break up this meeting.

CLAUDIUS DOCKERY.

Sworn to and subscribed before me this 23d day of February, 1899.

[SEAL.]

W. M. KELLEY, Notary Public.

Z. F. LONG, being duly sworn, deposes and says:

Q. What is your age, and where do you reside?—A. I am 50 years old, and reside in Rockingham.

Q. What is your politics?—A. I am a Republican.

Q. Were you a candidate for clerk of the superior court in 1898, and were you clerk at that time, and how long had you been clerk?—A. Yes; I was a candidate for clerk, and had been clerk for about sixteen years.

Q. Did you start to make a canvass of Richmond County, together with the other county candidates?—A. I did.

Q. Did you quit the canvass before you got around; and if so, where did you quit it at?—A. I did; I quit at Masons Cross.

Q. Were you and the other candidates and speakers interfered with at Masons Cross; and if so, who by, and in what manner were you interfered with?—A. We were met at Masons Cross by a crowd of men wearing red shirts—I suppose about 150 or 200, or more, I do not know how many—when our crowd drove up. Somebody ordered the Red Shirts to fall in ranks, and they fell in ranks; they marched up and met me, and Wm. F. Gibson said he spoke for Williamson Township, and said there should be no speaking there. I went up to a store, and when I came out they had surrounded Henry Covington and McGregor; I do not know what they done to them, I was so far off. We left there and went down to Mr. McGregor's, the candidate for register of deeds, to take dinner; while we were there sitting in the porch two or three buggies drove up in front of his house, and John Mellwinum, accompanied by other Red Shirts, got out of their buggies and came to the house, and said they were appointed a committee to wait on us and see us out of the township. We did not go; we told them we had come there to take dinner and we were going to take it. They said they wanted to see us off because they were afraid we would

have speaking down there after they left; that some of their crowd was drinking, and they was afraid they could not manage them, and that they might do us some harm while we were there; they were firing off their pistols and guns. After we got our dinner Mr. Hines, candidate for commissioner, Mr. Henry Covington, one of the Republican speakers, and myself left Mr. McGregor's for Rockingham, and come by where the Red Shirts were. When they saw us coming they fell in on both sides of the road and let us drive through, and we met Mr. Claudius Dockery, candidate for the legislature, going there and we turned him back.

Q. From what happened at Masons Cross on that day and from other information that was furnished the chairman of the county executive committee and yourself, were you and the other county candidates forced to abandon the campaign in the four lower townships of the county?—A. We were.

Q. Did you get letters from various sections of county from leading Republicans advising you that it would be dangerous to have speaking in certain sections of the county, and that negroes were being whipped and white capped at night.

(Question objected to.)

A. Yes; I received letters and saw different parties who came to see me and told me the condition of things in the lower part of the county.

Q. Were you in Rockingham on the day that Senator Tillman spoke?—A. Yes.

Q. Was the town being paraded by mounted red shirts, and were they firing pistols at random?—A. The town was paraded by mounted Red Shirts, and they were shooting all about; I could hear the shooting.

Q. For several days prior to the election here, and on election day and the night of the election, did not a general state of lawlessness prevail in this town and the immediate community?—A. It seemed that if a man put on a red shirt—a white supremacy button—it gave him license to do as he pleased.

Q. Where were you on the day of the election?—A. I was in Rockingham.

Q. Did you at different times during the day visit the polling places in precinct Nos. 2 and 3?—A. Yes.

Q. Were they surrounded by men dressed in red shirts?—A. Yes.

Q. Was the mayor and chief of police of the town of Rockingham dressed in red shirts?—A. I think they were.

Q. From your knowledge of what you know about the registered vote of Richmond County, and from the returns received from the voting precincts of the election of 1898, about how many Republicans and Populists do you think must have failed to vote in the election of 1898?—A. I should say, from the way the vote was two years ago, it would be about twelve or thirteen hundred.

Q. Has any Republican or Populist who failed to vote in the election of 1898 told you since the election that the reason why they did not vote was because they were afraid that violence would be done to them?—A. Yes.

Q. Were any of the Red Shirts that met you at Masons Cross, or any of those that was at Rockingham on the day that Tillman spoke, from South Carolina?—A. Yes.

Q. Was not everything done by the Democrats that could possibly be done for four or five days preceding the election, without resorting to actual violence, and in some cases did they not resort to actual violence, to bulldoze, terrorize, frighten, and intimidate the Republican and Populist voters throughout Richmond County?—A. Yes; I think so.

Q. Was any men killed in Richmond County during the last campaign?

(Question objected to.)

A. Yes; I know of three; one at Rockingham, one at Hamlet, and one at Laurinburg.

Q. Was not the men at Rockingham and Hamlet both killed on big Democratic Red-Shirt speaking occasions?—A. The man was killed at Rockingham on the day of a big Democratic speaking and barbecue; the one killed at Hamlet was killed on the night of a big Democratic Red-Shirt speaking.

Cross-examined:

Q. In your direct examination you are recorded as saying that Wm. F. Gibson, professing to speak for Williamson Township, told you there should be no speaking at Masons Cross at the time you were there. Now, I ask you if the correct version is not that Mr. Gibson claimed that Henry H. Covington had on the day before made a speech offensive and dangerous to white women of the county, and that he would not be permitted to speak, but that the fusion candidates, including yourself, might make your announcements as you had been doing?—A. Wm. F. Gibson met me, heading the crowd, and said he spoke for Williamson Township, and there should be no speaking there to-day. I then said to them, "Do I understand you to say that the candidates can not speak here to-day?" Then W. H. McLaurin said, "No; you and Sheriff Smith can speak." I then told them that I would not speak; that their conduct there to-day would do me more good than any speech I could make with the people.

Q. Were any of the other candidates except Sheriff Smith and yourself present; if so, who are they?—A. Sheriff Smith was not there that day; Mr. J. M. Hines, candidate for commissioner, and Mr. B. F. McGregor, candidate for register of deeds, were there that day.

Q. Did you not understand from the crowd generally at Masons Cross, notwithstanding what Mr. Wm. F. Gibson said to you, that the main objection of the crowd was to Henry Covington speaking, and that yourself and other fusion candidates would not be treated with violence if Henry Covington did not attempt to speak?—A. I did not so understand it, for I got word the night before that the red shirts had met at Gibsons Station and decided that we should not speak, and were then 'phoning all over the country to get in the crowd to prevent us from speaking.

(So much of this answer as is hearsay is objected to by contestee.)

Q. This was after the alleged offense of Henry Covington's speech at Old Hundred, was it not?—A. It was after the time they said he made the speech. I was present and heard his speech, and what they reported to the papers that he said was not what he said.

(Answer objected to as irresponsible to the question.)

Q. What was he reported to have said?—A. He was reported saying that the negro during the war was driving the young mistress about to college, etc., and that if it had been him that he would have had his arms around her. What he really said was, that if he had been the negro, instead of driving his young mistress around, that he would have been off hugging his sweetheart.

Q. This speech of Henry Covington's did have considerable vulgarity in it, did it not?—A. I could not say that it did; it was of a funny speech and would do to laugh at; there was not much in it.

Q. Did Henry Covington say, in substance, that if he were a woman and his husband voted the Democratic ticket he could never lift her * * * again, however cold the night got?—A. I think he said if he was a colored woman; he said substantially that.

Q. Are you not mistaken, Mr. Long, in saying the mayor and policemen had on red shirts on the day of election?—A. I might have been, but I am under that impression.

Q. Was there any violence or unusual disorder in Rockingham on election day until after the election was over and the result known?—A. One young man came to me by the name of Perkins and wanted me to make J. A. Covington let him alone. He said Covington was after him because he voted the Republican ticket. While he was talking to me Covington and a crowd of his friends gathered around him and abused him, and told him that he had done all he could, and that he had better go home. That is about all till after dark, and then they were shooting all over town; in fact they were shooting around here all the evening, before night, in the outskirts of the town, but not around the polls.

Q. Do you know that Covington was tried for his trouble with Perkins in the superior court before Judge Robinson, a Republican judge, and acquitted, and that Judge Robinson intimated that the prosecution ought to be adjudged frivolous and malicious and Perkins taxed with the costs; and was only prevented from doing so by Covington's counsel stating to the court that Perkins, a half-witted, harmless boy, took Mr. Covington's teasing seriously; or if you do not know it, did you not hear it?

(Question objected to.)

A. All I know about the case is that a true bill was found against Covington at November term of the court.

Q. The man who killed the negro in Rockingham during the campaign of which you spoke in your direct examination was tried at the last term of the superior court for this county, held by Judge Robinson, a Republican judge, and acquitted, was he not?

(Question objected to.)

A. Certainly.

Q. I ask you if you do not know, or if you have not heard, that Judge Robinson instructed the jury to return a verdict of not guilty, that the State could not ask for a verdict upon the evidence produced before the court.

(Question objected to upon the grounds that the records would be the best evidence.)

A. I do not know, but heard that the solicitor said he would not ask for a verdict.

Q. Did you not hear that the judge told the solicitor in open court, after sending the jury out, that he must take this course?

(Question objected to upon the grounds that the witness is being asked about hearsays and not upon what he knows.)

Q. Do you know anything about, of your own knowledge, who did the shooting which you heard about the outskirts of the town on election day?—A. I do not, of my own knowledge.

Q. Do you know anything of your own knowledge about the killing at Hamlet at the Red Shirt rally, as testified to by you in your direct examination?—A. I heard

that there was an inquest held, and I know the coroner returned the papers to my office. I do not know of my own knowledge anything about the facts in the case.

Q. Do you know or have you heard of any assaults committed on Democrats by Fusionists during the late campaign?—A. Not that I can think of.

Q. How much less was the aggregate vote in Richmond County in 1898 than in 1896?—A. I do not remember the vote of either year.

Q. Have you counted the registration list for 1898?—A. I have not.

Q. When you say that 1,200 or 1,300 Populists and Republicans failed to vote, it was entirely an estimate, without reference to the registration list or a comparison with the official figures of the previous election?

(Question objected to.)

A. I made that estimate by seeing the returns the day after noticing that several large precincts that gave big Republican votes gave scarcely any vote at all; in fact one of them gave no Republican vote at all, and the others very small, and I made my estimate from the colored population, knowing that at least 95 per cent of them voted the Republican ticket when they were not bulldozed and intimidated.

Q. Without regard to the reason why, were there not fewer white men who voted the Fusion ticket in the late election than in any election for years?—A. Yes.

Q. Did not more men vote the Democratic ticket without regard to their reason for doing so than had for years, in Richmond County.

(Question objected to.)

A. The returns show that there did, but I know but very few Republicans in the county that changed their politics and voted the Democratic ticket.

Q. Do you mean to say that the count in the county, or at any precinct in the county, was unfairly made? And if so, please state where.—A. I did not state that. After seeing and hearing how the election was conducted, I did not pay any attention to the returns.

Q. Did you and other leading Republicans not think, and do you not now think, that such votes as were cast in the county were fairly counted?—A. I think, and suppose all other leading Republicans think, that if we had had a fair and free election and a fair count, that Richmond county would have gone Republican by a good majority.

(Answer objected to, in that it is not responsive to question asked.)

Q. Will you please answer yes or no to the last question asked you?—A. I can not answer for other people; for myself, I do not think there was anything fair about it.

Redirect:

Q. Did you hear the speech made by H. H. Covington at Old Hundred in the last campaign?

(Question objected to.)

A. I heard part of it.

Q. Was it an incendiary or an inflammatory speech?

(Question and answer objected to by contestee.)

A. It was not.

Q. Was any part of the speech of such a nature that it could have been construed by any unprejudiced men to have been made with the intention or for the purpose of inflaming one part of the population against the other part?

(Question and answer objected to.)

A. I do not think so.

Q. Did you not have a large and enthusiastic crowd at your speaking at Old Hundred?

(Question and answer objected to.)

A. We did.

Q. Is it not your opinion, and was it not the opinion of the other county candidates, and of the leading Republicans generally, that the reason the Red Shirts interfered and broke up your speaking at Masons Cross, and forbid you from having further speaking in that end of the county, was because you had large and enthusiastic crowds at your speakings, and not for anything that H. H. Covington or any other speaker said at Old Hundred?

(Question and answer objected to.)

A. It was.

Q. While there was not any actual acts of violence and rowdiness here in the town of Rockingham on election day, did not the crowd of Red Shirts that paraded and surrounded the polls have a lawless appearance, and from the number of shots that was fired in and around the town of Rockingham on the evening of the election and on the night of the election, must they not have been heavily armed and well equipped?

(Question and answer objected to.)

A. I do not know that wearing a red shirt makes a man look lawless, but I suppose that that is what it was intended for, and from the number of rifles that I have seen around here, I suppose they were heavily armed, or had them where they could

get them on short notice; but I did not see any guns on election day, but heard them frequently.

Z. F. LONG.

Sworn to and subscribed before me this 24th day of February, 1899.

[SEAL.]

W. M. KELLEY, *Notary Public*.

HENRY D. GIBSON, being duly sworn, deposes and says:

Q. What is your age, and where do you reside?—A. Age 51; I reside in Upper Williamson Township, Richmond County.

Q. Are you register of deeds of Richmond county; and if so, have you in your possession the records of the elections held in Richmond County in the years 1896 and 1898?—A. Yes; I am register of deeds, and I have the records.

Q. Will you state the number of votes cast at the various precincts in Richmond County for C. H. Martin for Congress in the Sixth Congressional district of North Carolina in the election of 1896, as is shown by the records in your office?—A.

Steeles No. 1.....	181	Lower Williamson.....	97
Steeles No. 2.....	84	Upper Laurel Hill (record in my office blank). Record in clerk of the superior court office shows.....	76
Mineral Springs.....	171	Lower Laurel Hill.....	177
Black Jack.....	174	Spring Hill.....	193
Beaver Dam.....	167	Stewartsville No. 1.....	194
Rockingham No. 1.....	87	Stewartsville No. 2.....	184
Rockingham No. 2.....	160	Stewartsville No. 3.....	134
Rockingham No. 3.....	163		
Wolf Pit, Upper.....	111	Total.....	2,859
Wolf Pit, Lower.....	176		
Marks Creek.....	183		
Upper Williamson.....	146		

Q. Will you state the number of votes cast for Jno. D. Bellamy in the various precincts in Richmond County, for Congress, in the Sixth district of North Carolina, in the election of 1898, as shown by the records in your office?—A.

Steeles No. 1.....	67	Upper Williamson.....	238
Steeles No. 2.....	112	Lower Williamson.....	136
Mineral Springs.....	140	Upper Laurel Hill.....	46
Black Jack.....	88	Lower Laurel Hill.....	192
Beaver Dam.....	134	Spring Hill.....	113
Rockingham No. 1.....	196	Stewartsville No. 1.....	231
Rockingham No. 2.....	214	Stewartsville No. 2.....	160
Rockingham No. 3.....	130	Stewartsville No. 3.....	116
Upper Wolf Pit.....	123		
Lower Wolf Pit.....	153	Total.....	1,772
Marks Creek.....	181		

Q. Will you state the number of votes cast at the various precincts in Richmond County for James O. Lockhart for Congress in the Sixth Congressional district of North Carolina in the election of 1896, as shown by the records in your office?—A.

Steeles No. 1.....	64	Lower Williamson.....	90
Steeles No. 2.....	83	Upper Laurel Hill (records in my office blank) records of clerks of superior court show.....	25
Mineral Springs.....	141	Lower Laurel Hill.....	128
Black Jack.....	58	Spring Hill.....	70
Beaver Dam.....	55	Stewartsville No. 1.....	164
Rockingham No. 1.....	152	Stewartsville No. 2.....	44
Rockingham No. 2.....	179	Stewartsville No. 3.....	66
Rockingham No. 3.....	65		
Upper Wolf Pit.....	71	Total.....	1,815
Lower Wolf Pit.....	113		
Marks Creek.....	106		
Upper Williamson.....	140		

Q. Will you state the number of votes cast for O. H. Dockery in the various precincts in Richmond County for Congress in the Sixth district of North Carolina in the election of 1898, as shown by the records in your office?—A.

Steeles No. 1.....	174	Upper Williamson.....	41
Steeles No. 2.....	68	Lower Williamson.....	None.
Mineral Springs.....	160	Upper Laurel Hill.....	50
Black Jack.....	115	Lower Laurel Hill.....	30
Beaver Dam.....	136	Spring Hill.....	74
Rockingham No. 1.....	55	Stewartsville No. 1.....	6
Rockingham No. 2.....	141	Stewartsville No. 2.....	64
Rockingham No. 3.....	132	Stewartsville No. 3.....	2
Upper Wolf Pit.....	96		
Lower Wolf Pit.....	149	Total.....	1,672
Marks Creek.....	179		

Q. Give me from your records the number of votes received by Col. O. H. Dockery for lieutenant-governor in the various precincts of Richmond County, in 1896?
(Question objected to.)

A.

Steeles No. 1.....	42	Marks Creek.....	10
Steeles No. 2.....	20	Upper Williamson.....	68
Mineral Springs.....	39	Lower Williamson.....	25
Beaver Dam.....	23	Upper Laurel Hill.....	19
Black Jack.....	24	Lower Laurel Hill.....	34
Rockingham No. 1.....	5	Spring Hill.....	1
Rockingham No. 2.....	19	Stewartsville No. 1.....	1
Rockingham No. 3.....	14	Stewartsville No. 2.....	1
Upper Wolf Pit.....	11	Stewartsville No. 3.....	1
Lower Wolf Pit.....	8		

Q. Was Col. O. H. Dockery the nominee of any political party in 1896; and if so, what party?—A. He was the nominee of the Populist party for lieutenant-governor.

Q. What was Colonel Dockery's politics for a number of years previous to 1896?

(Question objected to.)

A. He was a Republican.

Q. Was he in your opinion as strong in popularity with either the Republicans or the Populists of Richmond County as he was with the Republicans previous to 1896 and as he was with the Populists in 1896?

(Question objected to.)

A. In my opinion he was not; he was not with the Populists, and I don't think he was with the Republicans, especially with the negroes.

Q. Was there not great indifference, both among the Populists and the colored Republicans, to Colonel Dockery's candidacy for Congress in 1898 in Richmond County, judging from your talks with the people during the late campaign?

(Question objected to.)

A. I think there was a great deal more indifference toward him by the Populists than there was to Martin in 1896, and I think the colored Republicans did not like him so well after he joined the Populists in 1896.

Q. Did not a large majority of the white Republicans and white Populists of Richmond County affiliate and vote with the Democrats in the last campaign?

(Question objected to.)

A. They did.

Q. Did not many men who were Republicans or Populists in 1896 wear red shirts in 1898 and work for the Democratic ticket in 1898?

(Question objected to.)

A. In my own neighborhood they did, and my opinion is that they did in other places throughout the county.

Q. Were there not a number of men who had been prominent in the leadership of the Populist and Republican parties active and zealous for the Democratic or white man's party in 1898?—A. I know there was among the Populists, and I know of some Republicans who were prominent in the Republican party.

Q. How did you vote in 1896?—A. I voted a mixed Democratic and Populist ticket; I did not vote for Martin in 1896, and in 1894 I did not go to the election, but in 1892 I voted for Weaver, the Populist nominee for President.

Q. Was there as much enthusiasm and desire to vote among the colored Republicans of Richmond County in 1898 as in 1896?—A. There was not as much desire to vote the Fusion ticket, judging from their conversation with me; they called it a Populist ticket.

Redirect:

Q. Is your opinion of the unpopularity of Col. O. H. Dockery, among the Republican and Populist voters, based upon the number of votes received by Colonel Dockery in Richmond County in the year 1898; if not upon this, what do you base your opinion upon?—A. I base my opinion of his unpopularity with the negroes when he quit the Republican party by the white Republicans telling the negroes that he was a traitor and not to vote for him; and then his unpopularity with the Populists in 1898 was, I think, due to his accepting the nomination for Congress on a straight goldbug platform by the Republicans.

Q. Who did you consider the most popular candidate on the Fusion ticket in Richmond County in 1898, excepting from this list John M. Smith—I mean county candidates.

(Question objected to.)

A. I thought before the ticket was named that my opponent would be the strongest.

Q. Was not Z. F. Long, candidate for clerk of the superior court, about as popular a candidate as there was on the Fusion ticket?

(Question objected to.)

A. He, Z. F. Long, had been and would have been in the last election had he not appointed negro magistrates.

Q. How many votes were cast for Z. F. Long in Richmond County in the year 1898, as shown by the records in your office?—A. One thousand six hundred and sixty-four.

Q. How many votes was received by B. F. McGregor, the Fusion candidate for register of deeds in Richmond County, in the election of 1898?—A. One thousand six hundred and thirty-six.

Q. How many votes was received by Col. O. H. Dockery in the election of 1898 in Richmond County?—A. One thousand six hundred and seventy-two.

Q. Who was the Republican candidate for lieutenant-governor in North Carolina in the year 1896, and how many votes did he receive in Richmond County?—A. Chas. A. Reynolds was the candidate, and he received 2,475 votes in Richmond County.

Q. How many votes were cast for the Democratic candidate for lieutenant-governor in Richmond County in 1896?—A. One thousand eight hundred and fifteen.

Q. What was the total number of votes cast for the Republican and Populist candidates for lieutenant-governor in Richmond County in 1896?—A. Two thousand eight hundred and ninety-three.

Q. Do you know of any Republican or Populist who voted the Fusion ticket in 1898 that failed to vote for Col. O. H. Dockery? If so, name him.—A. I do not know any, of my own knowledge.

Q. What is your politics?—A. I always considered myself a Jeffersonian Democrat, but some considered me a Populist; but they don't now.

H. D. GIBSON.

Sworn to and subscribed before me this 24th day of February, 1899.

[SEAL.]

W. M. KELLEY, *Notary Public*.

A. G. NICHOLSON, being duly sworn, deposes and says:

Q. What is your age and where is your residence?—A. Age, 37; residence, Black Jack Township.

Q. What is your politics?—A. I was a Populist on election day, but have changed since.

Q. What is your politics now?—A. I am a Republican now.

Q. Were you one of the poll holders at the election held in Black Jack Township in 1898, and were you on the election grounds from the opening of the polls to the closing?—A. Yes.

Q. Were the polls in that precinct surrounded by men dressed in red shirts?—A. There was from ten to twenty-five Red Shirts there and thereabout all day.

Q. Were the men dressed in red shirts firing off pistols during the day, threatening the election officers, cursing and threatening other Republicans and Populist voters on the election grounds?—A. There was pistols shot, but I do not know who shot them; I could not tell whether they were pistols or guns; they sounded like pistols; I also heard Democrats cursing Republicans.

Q. Did a band of men dressed in red shirts on that day threaten to assault the election officers and tear up the election unless the election officers agreed to open the boxes and remove the ballot cast by one Shepperd on that day?—A. They did.

Q. Did the election officers, in consequence of these threats and for fear they would be assaulted and the election torn up, agree to remove the ballot that had been cast by one Shepperd, and did they remove it?—A. We agreed to remove it, and we did throw it away when we first opened the boxes, and did not count it.

Q. Do you know what ticket Shepperd voted?—A. He voted a Republican ticket in the box I was holding.

Q. Did Shepperd appear on the registration book as a duly registered voter?—A. Yes.

Q. Was the manner of the Red Shirts during election day, and especially in the evening part of it and during the count, very insulting and threatening toward the Republicans and Populist election officers?—A. It was.

Q. Did a large number of Republicans and Populists in Black Jack Township fail to vote that day?—A. Yes; there was about thirty-five registered that did not come to vote.

Q. About the time you started to count that evening didn't they gather around the ballot boxes and tell you if you did not throw out Shepperd's vote they would tear the election all to hell?—A. I do not remember about that, but they gathered around there and said if we did not throw it out we should not count any of them.

Cross-examined:

Q. For what reasons did the election officers throw out the vote of this man Shepperd?—A. The Democrats contended he was not old enough.

Q. Did you think he was old enough?—A. Yes; he was a married man.

Q. Did his father say he was under age?—A. Yes.

Q. Did you throw out this vote because you were afraid of the Democrats who threatened you?—A. No, sir; if I had been afraid I would have left when I first got there; there was a good many that did leave; I do not know that they left because they were afraid.

Q. Was anyone who attempted to vote at your precinct prevented from doing so by the Democrats?—A. No.

A. G. NICHOLSON.

Sworn to and subscribed before me this 24th day of February, 1899.

[SEAL.]

W. M. KELLY, *Notary Public*.

JOHN M. SMITH, being duly sworn, deposes and says:

Q. What is your age and where is your residence?—A. My age is 41 years; my residence is Rockingham.

Q. What is your politics?—A. I am a Republican.

Q. Were you the Republican candidate for sheriff in Richmond County in 1898?—A. Yes.

Q. How long have you been sheriff of Richmond County?—A. Twelve years continuously.

Q. Do you know of any intimidation practiced by the Democrats, either as individuals or as a party, before the election or during the campaign of 1898 on election day, or since the election, in any of the precincts in Richmond County; if so, state the nature of the intimidation, when and where it was practiced, and the manner in which it was practiced?—A. For reasons personal to myself I refuse to answer the question.

Q. Have you reasons for not answering the question that you do not want to make known to this court?—A. I have already answered the question.

Q. Did you make a canvass of the whole of Richmond County in 1898?—A. I did not attend but few of the speakings.

Q. Do you know whether the county candidates filled all the appointments they had for speaking in the different precincts of Richmond County during the campaign of 1898?—A. I refuse to answer.

Q. Why do you refuse to answer these questions?—A. I refuse to answer that.

J. M. SMITH.

Sworn to and subscribed before me this 23d day of February, 1899.

[SEAL.]

W. M. KELLY, *Notary Public*.

A. J. BUTLER, being duly sworn, deposes and says:

Q. What is your age, and what is your residence, and what is your politics?—A. My age is 32; I live at Hoffman, N. C., and I am a Republican.

Q. Were you chairman of the board of registrars in Beaver Dam Township in the election of 1898, and were you chairman of the precinct board of election on election day?—A. Yes; I was.

Q. Were you on the election grounds from the time the polls were opened until they were closed on election day?—A. I was.

Q. Was the polls at Beaver Dam precinct surrounded by men dressed in red shirts on election day?—A. Yes.

Q. How far do you live from the precinct?—A. Eight miles.

Q. What time did you leave your home on day of election to go to your voting place?—A. About half past 4 o'clock, I think.

Q. On your way to the election and near the polls did you hear any pistol and gun shots, and parties hollering, whooping, and cursing, or other unusual proceedings?—A. I did.

Cross-examined:

Q. Was anybody who attempted to vote on that day prevented from doing so?—A. No.

A. J. BUTLER.

Sworn to and subscribed before me this 24th day of February, 1899.

[SEAL.]

W. M. KELLY, *Notary Public*.

ANTHONY RATLIFF, being duly sworn, deposes and says:

Q. What is your age and where do you reside?—A. Age, 66; and reside in Upper Wolf Pit Township.

Q. Were you at home on the night before the election, 1898?—A. Yes.

Q. Did a crowd of men on horses come to your house on that night?—A. Yes.

Q. What did they say and do to you?—A. When they came up they hollered, "Hello, here;" I did not speak; then they said, "You had better not open that

door; if you do, * * * soul, I will blow your * * * brains out; you had better not appear at that election ground to-morrow. Rally up here, boys; rally up here; if he opens that door, * * * him, I will blow his * * * brains out," and then they commenced shooting, and they kept on shooting, and they shot as they went off.

Q. Was the shooting pretty general on the night before the election throughout your neighborhood?—A. Yes.

Q. On the morning of the election, did you hear any shooting?—A. No, sir.

Cross-examined:

Q. Were you at home all night on the night before the election?—A. Yes.

Q. Did you go to the election the next day?—A. Yes.

Q. Did you vote?—A. Yes.

Q. Did anybody try to keep you from voting?—A. No, sir; not after I got there.

Q. Was anybody who offered to vote in Upper Wolf Pit that day prevented from doing so by the Democrats?—A. I could not tell you anything about it, only what time I was there; as soon as I voted I left.

ANTHONY (his X mark) RATLIFF.

Sworn to and subscribed before me this 24th day of February, 1899.

[SEAL.]

W. M. KELLY, Notary Public.

S. M. PAUKEY, being duly sworn, deposes and says:

Q. What is your age and where is your residence?—A. Forty-three years old; my residence is Mineral Springs Township.

Q. What is your politics?—A. I am a Republican.

Q. Were you chairman of the precinct election board in Mineral Springs Township in the last election?—A. Yes.

Q. Were you on the election grounds all day?—A. Yes.

Q. Were the polls at that precinct surrounded by Red Shirts all during that day?—A. Yes.

Q. Were you at Ellerbe Springs the day before the election, the day that Colonel Dockery was advertised to speak there?—A. Yes.

Q. Did a large crowd of mounted Red Shirts interfere and break up Colonel Dockery's appointment for speaking that day?—A. Yes.

Q. Did the Red Shirts ride up and down the public road through Mineral Springs Township and around Ellerbe Springs shooting, cursing, and hollering on that day?—A. Yes.

Q. Was the action of the Red Shirts at Ellerbe Springs that day so threatening as to make the friends of Colonel Dockery think it unsafe for him to offer to speak? (Question objected to.)

A. Yes.

Cross-examined:

Q. How many voters were registered in Mineral Springs Township last election?—A. Something over 300; I can not say positively the exact number now.

Q. How many of these were Republican voters?—A. Something near 200, I think.

Q. How many were Democratic voters?—A. There was about 100 or a little over.

Q. How many votes were cast on that day in Mineral Springs Township?—A. There was about 300, I think, cast, or a little over; I am not certain.

Q. Was anybody who attempted to vote prevented from doing so by the Democrats?—A. Not that I know of.

Q. Do you say that the precinct was surrounded all day by Red Shirts?—A. Yes.

Q. Will you name some of them?—A. There was a good many; I do not know that I can name them all now, but think I can name some of them; A. D. Stutts, John T. Hiatt, Press O'Brian, A. L. Lofin, Wm. Smith, and two Terry boys—I do not know their given names—and a lot of others; I can not remember them all now.

S. M. PANKEY.

Sworn to and subscribed before me this 24th day of February, 1899.

[SEAL.]

W. M. KELLEY, Notary Public.

S. M. PANKEY—Recalled:

Q. Was there any effort made to intimidate you at any time prior to or on the day of the election of 1898? If so, state the circumstances.—A. There was not directly, but was indirectly. I received notice from parties at other places that I must keep away from Roberdell Factory and other places on account of my political views.

Q. Did at any time you receive an anonymous letter, purporting to have been written by the Red Shirts, advising you to leave?—A. Yes.

Q. Have you that letter or note?—A. Yes; I have that letter; it is hereto attached, marked "Exhibit A."

Cross-examined:

Q. When did you get that letter and how?—A. I got it some time, I think it was, since the election; I got it through a boy; I was stopping with one of my friends at Roberdell Factory, and this boy brought it to my friend and told him to give it to me.

S. M. PANKEY.

Sworn to and subscribed before me this 24th day of February, 1899.

[SEAL.]

W. M. KELLEY, *Notary Public*.

EXHIBIT A.

STEPHEN PANKEY: In order to save your hide we will give you fifteen minutes to be off.

RED SHIRTS.

C. E. ASHWORTH, being duly sworn, deposes and says:

Q. What is your age and where is your residence?—A. My age is 45 years; my residence is Richmond County, Rockingham Township, precinct No. 3.

Q. On Monday night before the election of 1898 did a crowd of men go to your house in the nighttime and interfere with you in any way? If so, state what they said and done.

(Objections.)

A. There was a crowd went there; commenced to cursing me before they got to the house or near the house, and they were shooting off pistols or guns or something; some of them was cursing me for a * * * Republican * * * and some of them for a * * * Populist * * * and swore that if I come up to the election on that day they was going to kill me. After they left my house and went down to Arter Bennett's house and cursed him, but he was not at home.

(Answer objected to.)

Q. What is your politics?—A. I am a Republican.

Q. What was Arter Bennett's politics?—A. He says he is a Republican.

(Question and answer objected to.)

Q. Were you at the polls at the voting precinct in Rockingham, No. 3, on election day?—A. I was.

Q. Were the polls at that precinct surrounded by Red Shirts on that day?—A. They were.

Q. Did not a large number of Republicans fail to vote at precinct No. 3 in Rockingham Township at the last election?

(Question and answer objected to.)

A. Yes.

Q. Have any of them told you since the election why they did not vote?

(Question and answer objected to.)

A. Yes; some of them told me the reason they did not vote was because Bud Hinson told Meeks if they went to the election to turn them out of the house and run them off the place and lock up the barn and stuff they had.

(Answer objected to.)

Q. What is Bud Hinson's politics?

(Question objected to.)

A. He says he is a Democrat.

Q. What is Meeks's politics?

(Question objected to.)

A. I could not tell you.

Q. Was he a foreman on Hinson's farm in 1898?—A. I could not tell you if he was a foreman, but he was working there; he was working there when I went over there with them men; he had a rifle over there, shooting from one tree to another; the negroes said it was to scare us off and keep them from going to the election.

(Answer objected to.)

Q. Were you on Hinson's place on day of election?—A. I was.

Q. Was that the time that you saw Mr. Meeks with a Winchester rifle?—A. It was.

Q. Did these parties that you saw there working for Mr. Meeks come to the election?—A. They did not.

Q. Do you know, from conversation or other communication with Republican and Populist leaders or voters, that the methods of intimidation practiced by the Democratic party during the campaign of 1898 prevented numerous citizens from registering and prevented numerous registered voters from voting, and had its influence in causing voters to cast their ballots for the Democratic candidates contrary to their wishes as expressed to you?

(Objections.)

A. If I understand it, they have.

Cross-examination:

Q. How many men were in the crowd which went to your house on the night before the election?—A. I could not tell you; there was a good many of them; I suppose there was between ten and fifteen, or may have been twenty.

Q. Did you know any of them?—A. I did not.

Q. When did you first tell of this occurrence?—A. I told it on Tuesday of election.

Q. Who to?—A. I don't recollect; I told it to a good many; I think I told it to Mr. Cameron for one; I told Smith and Zack Long.

Q. Do you believe in negroes holding office?

(Question objected to.)

A. I do not.

Q. Do you believe in negro grand jurors investigating criminal outrages upon white women by negroes?—A. I do not.

Q. Were there not a large number of negro officials, school committeemen, etc., in Richmond County previous to the last election?

(Question objected to.)

A. I think there was a few.

Q. Do you not know or have you not heard that three or four negroes were on the grand jury which investigated and found a bill against John Evans, colored, for ravishing Miss Lillie Cole, a respectable white woman?

(Question objected to for the reason that it seeks to prove what the witness has heard and not what he knows, and for the further reason that he is asking the witness and seeking to prove by the witness matters which there is a record of.)

A. No; I don't know whether there were any negroes on there or not at that time; I don't know whether I have heard or not.

Q. Evans was convicted and hanged, was he not?—A. He was.

Q. Negroes were frequently on the juries, grand and petit, were they not?—A. They were.

Q. I ask you if, Republican as you are, you were not indignant and dissatisfied at the prevailing condition of affairs in Richmond County previous to the last election, and that if it had not been for your strong personal attachment to two or three of the Republican candidates, if you would not have voted with the Democrats on their plea for white supremacy?—A. If it had not been for the Democrats trying to force me to not to vote, I would have voted—have scratched my ticket and have voted for one or two of friends on the Democratic side; with some things I was dissatisfied and with some I was not.

Q. Were not great numbers of white Republicans and Populists so dissatisfied with prevailing conditions that they left their parties and joined the Democrats?—A. Not that I know of.

Q. How long have you resided in Richmond County?—A. About twenty years.

Q. And you swear that you do not know that numbers of men who had voted the Republican and Populist tickets previous to the last election at the last election voted the Democratic ticket?—A. I know of men who voted the Democratic ticket at this last election who had always voted the Republican ticket; they told me they had to do it on account of keeping their job and to keep their families from being turned off.

Q. Give me the names of the men who told you this.—A. I refuse to do this.

Q. Where do they reside?—A. In Richmond County.

Q. Who do they work for?—A. I decline to answer that.

Q. Do they work for farmers, merchants, or manufacturers?—A. I decline to answer, because I am not going to do anything to have them turned off; they might as well voted the way they wanted to and been turned off as to have them turned off now.

Q. How many told you so?—A. I do not think there was but one told me in that way, but there was several told me they had to vote a Democratic ticket or hunt work somewhere else.

Q. Did you vote?—A. I did.

Q. Did you vote like you wanted to?—A. Yes; but not like I intended to.

Q. How did you vote?—A. I voted the Republican and Populist ticket straight.

Redirect:

Q. Where were you born and raised?—A. I was born in the State of New York; I lived in New York until 1867, and moved from there to South Carolina, and came to Richmond County in 1875.

Q. How old were you when you left the State of New York?

(Question objected to.)

A. I was about 13 or 14 years old.

Q. Did you vote in the elections of 1890, 1892, 1894, and 1896?

(Question objected to.)

A. I did.

Q. Were you interfered with by anybody or cursed by anyone about your politics at or before either of these elections?—A. I never was.

C. E. ASHWORTH.

Sworn to and subscribed before me this 2d day of March, 1899.

[SEAL.]

W. M. KELLY, *Notary Public*.

JNO. P. CAMERON, being duly sworn, deposes and says:

Q. What is your age and residence?—A. My age is about 36 years; and my residence, in precinct No. 3, in Rockingham Township, in the town of Rockingham.

Q. What is your politics?—A. A Republican.

Q. Were you a candidate during the campaign of 1898 for any office on the Republican ticket?—A. I was a candidate for solicitor in the seventh judicial district from in May until about two weeks before election.

Q. Will you state what you know about the efforts of the Democratic leaders and their adherents to intimidate Republican and Populist supporters with a view to preventing their registering and voting at the election in 1898?—A. I know that the intimidation and threats was so great and apparent in the lower end of the county that the county candidates were forced to abandon the campaign in the whole lower part of the county, and I know that the intimidation and threats was so great that no Republican or Populist offered or attempted to speak in four lower townships of the county for at least two weeks before election. On Saturday before election I went to Hamlet, in Marks Creek Township, where the Democrats had 19 Republican votes challenged, for the purpose of representing the challenged voters before the election officers. Between Rockingham and Hamlet I met as many as three or four squads of mounted Red Shirts, who were hollering, and in some instances firing pistols. I returned to Rockingham about 2 or 3 o'clock in the evening on Saturday before the election. I found the town full of Red Shirts, a large number of whom was mounted on horses, and who were riding up and down the streets in different directions hollering and cursing. I heard in different portions of the town pistol shots, and at one time I heard a regular volley of shots in the direction of the depot. There must have been as many as one hundred shots fired in the space at least of five minutes. On Sunday, after Tillman spoke here, I saw a number of Red Shirts in the town of Rockingham, some riding and some walking. I do not remember that I heard any pistol shots on Sunday. On Monday morning early the town again became filled up with Red Shirts, mounted and on foot, a great many of whom I was told, was on the way to Ellerbe Springs. Monday evening the town was again full of Red Shirts, many of whom were drunk, cursing and swearing, and some pistol shots were fired in different parts of the town. The town was full of the Red Shirts up until after dark. After dark I heard a great deal of shooting in different parts of the town, and shots was fired frequently in all directions around town and in the country. On the morning of the election as early as 4 o'clock I was awake and heard numbers of shots in all directions, and especially were they shooting toward the depot. In precinct No. 3 the shooting was kept up continuously at short intervals until after good daylight, and some shots were fired in the town as late as sunup on the morning of the election. I went down to the polling place in precinct No. 3 about a quarter to 7 o'clock. I found the streets full of men dressed in red shirts. The polls in precincts Nos. 2 and 3 were surrounded by Red Shirts from the time they were open until the time I left here, about 2 o'clock p. m. Precinct which I attended on that day was completely surrounded by Red Shirts. They were standing four or five deep all in front of the ballot boxes. I left Rockingham about 2 o'clock in the afternoon. About the time I left I noticed some of the Red Shirts and a few negroes who had voted the Democratic ticket that day were getting pretty drunk. I went to Hamlet, got there about 4 o'clock p. m. I found the ballot boxes there surrounded by Red Shirts, a number of whom were drunk and cursing. I saw the mayor and chief of police standing near the polls both dressed in red shirts, and I stayed at Hamlet until after the election officers had completed the count of county box, which was completed I suppose about 8 o'clock. About the time it was getting dark that night pistol and gun shots commenced to be fired in almost every direction and were fired continuously until the time I left there, which I suppose was in the neighborhood of 9 o'clock. I am sure that a number of shots were fired within 20 yards of the polls. I spoke to Mr. Smith, the chief of police at one time, and told him that the shooting was dangerous and asked him if he could not stop it. My recollection is that he said in reply that they had been shooting that way since Saturday before, and he reckoned they would get tired after a while and stop themselves; if they did not stop after a while he would make an effort to stop them. About the time that the count of the vote of the county box was being completed one John G. Smith came to me and notified me that Governor Russell had just come in on the train and was in at the hotel, and that certain Red Shirts were making threats and saying they intended to go in and take him out of his room, and asked me to go over with him

and see if we could not prevent them from interfering with him. I did go, but before reaching the hotel I met Mr. B. Whiting, who said that the governor was in his room at the Railroad Hotel, and he was sure, and would see that no harm was done him that night. I immediately left Hamlet in company of Mr. D. M. Morrison. At the time we left, which was about 9 o'clock, I think, pistol or gun shots were being fired in all directions in the town of Hamlet. We reached Rockingham in the neighborhood of 10 o'clock. I went into the clerk's office on reaching Rockingham and remained there until about half past 11 o'clock; I then left and went to my home; when I left the court-house and came out on the public street pistol or gun shots were being fired in different portions of the town. After I reached home and about 12 o'clock, I think, a crowd seemed to gather about the crossing of Randolph and Washington streets, and a volley of pistol or gun shots were fired; I think fifty or seventy-five shots were fired. Next morning I found that a ball had been shot through the dining room part of my house.

(All of this answer which is hearsay is objected to.)

Q. Do you know it to be a fact that before the speech made by Senator Tillman at Rockingham there was a general condition of lawlessness and terrorizing on the part of the Democratic leaders and their adherents in the town of Rockingham and the surrounding country?—A. I know that certain acts of lawlessness was committed at different times and for more than twenty days before the election in certain sections of Richmond County, such as the whipping of negroes in the nighttime in Stewartsville, Laurelhill, and Williamsons townships. I know that John M. Smith, then high sheriff of Richmond County, was notified by letters from different parties, whose names I can not now recall, stating that certain colored men had been whitecapped and whipped at night in Williamsons, Laurelhill, and Stewartsville townships. I also know that these acts of violence and intimidation became so frequent and fearful as to cause Daniel L. Russell, governor of North Carolina, to issue and publish a proclamation, calling upon and commanding the citizens of North Carolina, and especially of the counties of Richmond and Robeson, to desist from further violence.

Q. Do you know that after the speech delivered by Senator Tillman in the town of Rockingham the intimidation in the county of Richmond became more violent and intensified and the territory over which it was exercised became more extensive?—A. Up to the time that Senator Tillman spoke in the town of Rockingham the intimidation, and especially the violent intimidation, seemed to be confined to the four lower townships of Richmond County, viz: In Williamsons, Laurelhill, Springhill, and Stewartsville townships. After the speech of Senator Tillman the intimidation seemed to become general in every portion of the county, except in Mangum precinct, in Steele Township. A number of people in Mineral Springs, Rockingham, Steele Township No. 2, Black Jack, Wolf Pit, and Marks Creek have told me that no such conditions ever did exist, nor did they think that such conditions ever would exist, in these townships as was perpetrated by the Democrats on election day.

(So much of the foregoing answer as is hearsay is objected to.)

Q. Do you know, from conversation with representative negroes in Richmond County, that these efforts at intimidation and terrorizing to which you have referred caused an abject fear on the part of the negro voters of the Red Shirts and their methods?

(Question objected to.)

A. I was told by a number of good colored men, and by some of as good white men as there is in Richmond County, that for several nights before the election of 1898 that not a single colored man slept in their houses at night, for the reason that they were afraid that they would be white-capped by the Red Shirts in certain sections of this county.

Q. How long have you been secretary of the Republican county executive committee?—A. I was secretary of the Republican county executive committee since May, 1887, up till April or May, 1898.

Q. From your observation as such secretary, what percentage of negro voters in Richmond County voted the Democratic ticket during that time?

(Objected to.)

A. I would say from 1 to 2 per cent.

Q. Do you know, from conversation or otherwise with the representative negro leaders throughout Richmond County, that the methods of intimidation and terrorizing practiced by the Democratic leaders prevented many negroes from registering?

(Objected to.)

A. I do know that in some precincts in the lower part of this county certain negroes were intimidated in such a manner as to prevent them from registering; I also know, or was told by the registrars, that certain negroes in precincts in the lower end of this county were intimidated and made to ask that names be erased from the registration books.

Q. Do you know, from conversation with representative leaders of the Republican party in Richmond County and the inspection of the returns made by the election officers of said county, that the methods of intimidation and terrorizing practiced by the Democratic leaders prevented hundreds of negroes from voting on the day of the election in various sections of the county?

(Question objected to.)

A. I know that, from the inspection of the returns from the different precincts, that at least 1,000 negroes failed to vote in Richmond County in the election of 1898, and from what I have been told by responsible white men and by the Republican judges and registrars in certain precincts in this county, and from what I have been told by colored men from different sections of this county, a large number of the negroes who failed to vote must have been intimidated and frightened by the actions of the Red Shirts in such a manner as to prevent them from voting.

Q. Do you know, from conversation or otherwise with the Republican leaders of Richmond County, that the methods of intimidation and terrorizing practiced by the Democratic leaders of said county caused many voters in sections of the county to ask that their names be erased from the registration books after the final day of trial of contests?

(Question objected to.)

A. I know that a number of Republican voters in Williamsons and Stewartsville townships did ask or give written orders to have their names erased from the registration books, and from what I have been told by certain Republicans and Populists in that section of the county, that these Republican voters were frightened into having their names erased from the registration books.

(Answer objected to.)

Q. Was it not a generally accepted fact, based upon avowed statements of many to whom Winchester rifles were distributed in this county, that these rifles were ordered and shipped into the county by Democratic leaders to intimidate the opposite parties and carry the county for the Democratic ticket?

(Question objected to.)

A. I think it was reported, and generally thought to be so by the most of the people of this county, that a large number of Winchester rifles had been bought by parties living here and at Roberdel Factory during the fall of 1898. I also know that it was the general opinion of a good many people of this county, and especially of the negroes, that these guns were bought by the Democrats for the purpose and to be used in carrying the election of 1898.

(Answer objected to.)

Cross-examined:

Q. You are the attorney who has conducted the taking of depositions in this contest in favor of Col. O. H. Dockery before W. M. Kelly, notary public, previous to your own examination?—A. I am.

Q. Paid or promised to be paid for your services?—A. I have been.

Q. What attorney conducted your examination?—A. Mr. Claudius Dockery, a son of the contestant.

Q. He has been examined as a witness in this case?—A. He has.

Q. When you are a witness in this case Dockery is the lawyer; when Dockery is the witness you are the lawyer; is that the way?—A. My understanding is that O. J. Spears is the general attorney for the contestant in the district. I have been employed to take depositions in Richmond County only. It was desired by the contestant that I be examined as a witness in his behalf, and Mr. Claudius Dockery, one of the general counsel for the contestant, being present, proceeded to examine me as a witness in the case.

Q. On the taking of these depositions, I ask you if, when you are a witness, Dockery did not act as the lawyer?—A. I have just stated that he did.

Q. In the taking of these depositions, when Dockery was a witness did not you act as the lawyer?—A. I have just stated that I was employed to take the depositions in this county, and when he was a witness I examined him among other witnesses.

Q. In your answers in your direct examination, when you emphasize that you do know certain matters, do you speak of matters within your own knowledge?—A. Some of the things that I speak of as knowing I know of my own knowledge, and some of them were so notorious as to be known by all men.

Q. Then, when in your answers you stated that you did know certain matters, they were such matters as were within your knowledge or sufficiently notorious to be known by all men?—A. They were.

Q. When did you withdraw as a candidate for solicitor in the Seventh judicial district?—A. I decline to answer that question; that it can not possibly have any bearing on this case, and might lead up to bringing out facts that is only known by myself and a few others, and which I do not care to make public at this time.

Q. Have you not stated in your direct examination that you withdrew as such candidate, and when?—A. My recollection is that I stated that I was a candidate for

solicitor from some time in May until two or three weeks before the election. I don't think I stated that I withdrew, nor why I was not a candidate on election day.

Q. Had I asked you why you were not a candidate on election day?—A. You did not, but your question had the appearance of being asked with the purpose of leading up to this.

Q. Perhaps you only feared this?—A. I have sufficiently stated my reasons for not wanting to answer these questions about my withdrawal as a candidate for solicitor.

Q. State what in my question indicated the appearance of being asked with the purpose of leading up to anything except a direct answer to the question.—A. Your question was, "How long before the election did you withdraw your candidacy for solicitor?" If not in these exact words, your question meant as much; and would it not appear to any reasonable man that this question, if answered, would be followed by another question asking, Why did you withdraw?

Q. Repeat the question I asked you.—A. Your question was, "When did you withdraw as a candidate for solicitor in the Seventh judicial district?"

Q. Why is it that you refuse to answer this question for the contestee, Bellamy, and did answer a similar question for the contestant, Dockery?—A. If I answered that question, I have done so with the expectation that the matter would not be followed. My recollection is that all I said about my being a candidate for solicitor in my direct examination was that I was a candidate from some time in May until a short time before the election.

Q. Was any intimidation or threats used by any Republican, or by any of the election officers of the Republican party, made or used to cause you to withdraw as a candidate?—A. None at all.

Q. Did not the election officers of the Republican party, whose duty it was to have the ballots printed, refuse to have your name printed on the same as a candidate for solicitor in the Seventh judicial district?—A. I decline to answer that question, for reasons heretofore stated.

Q. Was not your withdrawal forced on you because you could not have your name printed on the ticket?—A. I decline to answer that question, for reasons heretofore stated.

Q. Was not your withdrawal forced on you in the interest of Col. O. H. Dockery, the contestant?—A. I have not stated that I was forced to withdraw, and if Colonel Dockery had anything to do with my withdrawal it was not within my personal knowledge.

Q. If you were not forced to withdraw, will you state how it came about that you did withdraw?—A. I have just stated that I would have to decline to answer any question as to why I withdrew as a candidate for solicitor, and stated my reasons at length.

Q. Did any of Col. O. H. Dockery's political adherents, or relatives, have anything to do with your withdrawal? If so, what?—A. If they did, it's not within my personal knowledge; the only party who ever intimated to me that any of the Dockerys had offered or attempted to interfere with my candidacy for solicitor was made to me by Cyrus Thompson, and he said he got it second-handed.

Q. Cyrus Thompson was chairman of the executive committee of the Populist party in North Carolina during the last campaign, was he not?—A. He was.

Q. Was it not generally talked during the latter part of the last campaign that your withdrawal was caused by the Dockery influence, or in the interest of Col. O. H. Dockery?—A. I have heard it talked that it was for the purpose of benefiting Colonel Dockery, but do not know how general it was talked nor to what extent.

Q. Did you consent that your name should not be printed on the ticket as a candidate for solicitor?—A. I have already declined to answer that question, and stated my reasons, and it is now so apparent to me that these questions about my candidacy for solicitor are asked by the contestee's counsel for the purpose of delaying the examination of other witnesses that the contestant desires to examine to-day, and for the further reasons that, if a whole history of my candidacy for solicitor, from the time I was nominated, and all matters connected therewith, were fully known and brought out in this examination, it could not possibly affect this case or benefit the contestee, John D. Bellamy; for these reasons and for the reasons stated by me to the first question asked me by the contestee's counsel about my candidacy for solicitor, I here and now give notice that I shall decline to answer any further questions that may be asked me by contestee's counsel in relation to my candidacy for solicitor, or that refers to it in any way.

Q. Whether the facts connected with your withdrawal from your candidacy for solicitor has any bearing on the contest now being investigated is a legal question, is it not?—A. For the reason that this question relates to my candidacy for solicitor I decline to answer it, for the reasons heretofore given.

Q. What was the aggregate vote in Richmond County in 1894?—A. From my recollection, I think the vote cast for both candidates for clerk of the superior court was in the neighborhood of 3,700.

Q. What was the aggregate vote in 1896?—A. My recollection is that the vote cast in 1896 for the members of the legislature was in the neighborhood of 4,700; certainly not less than 4,500.

Q. What is the aggregate vote in 1898?—A. My recollection is that the vote cast for the candidates for clerk of the superior court was in the neighborhood of 4,200; not less than 4,000, I am sure, and I do not think more than 4,300. I am speaking from recollection, as I have no records.

Q. Who do you refer to in your direct examination when you speak of Republican leaders in this county?—A. I mean the men who taken an interest in the campaign of 1898, and who have heretofore been taking an interest in the campaigns.

Q. Who were they, such leaders in Springhill Township, in the last campaign?—A. We had no leaders in Springhill Township among the white people except Populist in the last campaign: T. D. McNeill and B. F. McLaughlin, colored, was our principal leaders. W. W. Bullard and J. L. Cooley was our leaders among the Populists.

Q. Who were the leaders in Laurelhill Township?—A. J. M. McLeod, Henry Monroe, Charlie McLeod, Daniel Monroe, and Calvin McNair were the principal leaders among the colored people. J. W. Canter, S. W. Pate, and Nathan Gibson were the principal leaders among the Populists of Laurelhill. I believe that we had no white Republicans in Laurelhill who taken an active part in the campaign. Mr. A. B. Shaw and Henry Fairley, I think, did take an interest and do some work for some of the county candidates on the Republican ticket.

Q. Who are the leaders in Stewartsville?—A. W. H. Cox, and W. H. Cooper, W. P. Evans, M. L. Shaw, J. W. McLaughlin, S. S. McKay, and N. F. McEachin were all our principal Republican leaders. D. A. Patterson and A. H. Currie were the principal Populist leaders.

Q. Who were the Republican leaders in Williamsons Township?—A. We had no white Republican leaders in Williamsons. Cuff McNeill and John M. Graham, I believe, were the principal leaders. B. F. McGregor, J. A. McGregor, M. C. Woodward, J. W. Woodward, and Dunk McNeill were the principal Populist leaders in Williamsons Township.

Q. Is John G. Smith, the man who told you something, as you stated in your direct examination, in regard to Governor Russell, at Hamlet, the same John G. Smith who formerly lived at Rockingham?—A. He was.

Q. Do you know his general character?—A. I am not familiar with his character at this time.

Q. Did you know it while he lived in Rockingham?—A. I did.

Q. What was it?—A. He was a barkeeper when he lived in Rockingham, and I have heard it reported that he was somewhat fond of women, but upon the whole I considered him a man of fairly good character.

Q. Was it not the general report that he kept a negro woman while here, cohabiting with her?—A. I have heard that he was too intimate with a certain negro woman in this town while he lived here.

Q. Did you make a canvass, I mean make public speeches, in the district while you were a candidate for solicitor?—A. As that question relates to my candidacy for solicitor I decline to answer for the reasons heretofore stated.

Q. Were you in Steele Township frequently, from the time of your withdrawal as solicitor to the election?—A. As that question relates to my candidacy for solicitor I decline to answer.

Q. Were you in any of the townships frequently, from the time of your withdrawal as solicitor up to the election?—A. As that question relates to my candidacy for solicitor I decline to answer for the reasons heretofore stated.

Q. Were you in Rockingham part of election day?—A. I was here from before the polls opened in the morning until 2 o'clock in the afternoon.

Q. While you were here was the election quiet?—A. From the time the polls were opened up to the time I left it was.

Q. What time did you reach the election precinct in the town of Hamlet, Marks Creek Township?—A. About 4 o'clock.

Q. From the time you reached there until the polls closed was the election quiet?—A. Right about the polls it was ordinarily quiet; a little off from the polls I saw some Red Shirts drunk and did hear some little cursing.

Q. What acts of lawlessness within your own personal knowledge do you know that were committed at different times in Richmond County by the Democrats and Red Shirts?—A. I know that a Red-Shirt Democrat shot and killed a negro man in the town of Hamlet during a Red-Shirt-Democratic speaking there just before the last election; I know that my dwelling house was shot into by a crowd of men on the night of the election that I think was wearing red shirts; I know that crowds of Red Shirts mounted on horses rode through the town of Rockingham, and in certain portions of the town fired volleys of shots; I know that on the night before the election and on the morning of the election before the opening of the polls, pistol or gun shots were fired in different parts of the town.

Q. Were you present at the shooting of the negro in Hamlet?—A. I was not.

Q. Of your own knowledge do you know the cause?—A. No; I do not; I have heard.

Q. After Senator Tillman's speech in what township in Richmond County, up to the closing of the polls on election day, did you know of any acts of violent intimidation?—A. I don't know of any own knowledge of any acts of actual violence. I do know from information received from reliable parties that the polling in every precinct in Richmond County, except Mangum precinct in Steele Township, was surrounded on election day by men dressed in red shirts, and I have been reliably informed that certain Republicans were actually assaulted at Old Hundred precinct for the way they had voted.

(So much of the foregoing answer as is on information and hearsay and is not responsive to the question asked is objected to.)

Q. On election day did the persons dressed in red shirts interfere with the election or prevent persons from voting so far as you know?—A. At the precincts that I attended on election day I did not see any Red Shirts actually interfere with voters, but in precinct No. 3, in Rockingham Township, a large number of colored voters failed to come to the election, and some of them have since told me that the action of the Red Shirts just before the election was so threatening that they were afraid to come.

(So much of the answer as is hearsay is objected to.)

Q. What townships do you refer to when you state that not a single colored man slept in his house for several nights before the election for the reason that he was afraid that he would be whitecapped by the Red Shirts?—A. I refer to Williams, Laurelhill, Springhill, and Stewartsville townships.

Q. Is this reference to the whole of each of these townships?—A. I don't think this condition existed in the sand-hill portions of Williams, Laurelhill, and Springhill townships.

Q. Is it not a fact that more white men voted the Democratic ticket in the last election in Richmond County than ever did?—A. The returns indicated that there was. I have been told by responsible parties, Mr. A. B. Shaw among the number, that a large number of white voters in the lower townships of Richmond County were intimidated and made to vote the Democratic by threats of certain merchants in the town of Laurinburg and other places in the lower end of this county that if they did not vote the Democratic ticket that they would not furnish them any more rations and would close them up and sell them out.

(Answer objected to because not responsive to the question, hearsay, and because the witness seems determined to make a stump speech in answer to all questions, except in regard to his being forced by his own party to withdraw as a candidate for solicitor in the Seventh judicial district about two weeks before the election. Against this the contestant protests, because there is no evidence that he was ever forced to withdraw from the race as solicitor.)

Q. Did not the Republican leaders, or have you not heard that the Republican leaders, advised the negroes not to go to the election because they wanted to contest the election, or for some other reason, in the lower end of the county?—A. I did not; I do know that the Republican leaders made every effort to get out the Republican voters in Richmond County that they could make without endangering their personal safety; I know that on Sunday night before the election we had a meeting in the town of Rockingham to decide on what we should do about attending the polling places in the different parts of the county; we there decided that if we could bring out the voters we could still carry the county, and John M. Smith went through the lower end of the county on the next day for the purpose, as I understood it, of seeing the leading Republicans of that section of the county and have them to try to bring out the voters of the Republican party.

Q. Don't you know that Republican poll holders in the lower end of the county were promised money by the Republican leaders if they would not hold an election?—A. I did not.

Q. Were they not advised by the Republican leaders not to hold an election?—A. Not that I know of, except Mr. J. A. McGregor, who was registrar at Lower Williamson, was here on Sunday and said that he had been forced to leave his home through fear that he would be killed on election day; he said that he had advised the Republican poll holder and registrars not to go to the polling place on day of election; that he thought it would be unsafe for them, in fact he knew it would be; my advice to him was to go back home, hold the election, and fight it out the best he could; if other Republicans advised him differently, I don't know it.

Q. Was not J. A. McGregor, one of the registrars of the election, a son of the candidate of the Fusion or Republican party for register of deeds?—A. He was.

JNO. P. CAMERON.

Sworn to and subscribed before me this 24th day of February, 1899.

[SEAL]

W. M. KELLY, Notary Public.

S. B. CANTER, a witness for the contestant, Oliver H. Dockery, in the case of Oliver H. Dockery, contestant, against John D. Bellamy, contestee, in the case of contest in the Sixth Congressional district of North Carolina for contestee's seat in the Fifty-sixth Congress, before W. M. Kelly, notary public, and Maxey L. John, notary public, associated with him by request of contestee, at Laurinburg, N. C., on the 1st day of March, A. D. 1899, being duly sworn, says:

Q. What is your age and where is your residence?—A. Thirty-four years old; my residence is Old Hundred.

Q. What is your politics?—A. I am a Democrat.

Q. Were you a partisan supporter of John D. Bellamy in the campaign of 1898?—A. Yes, I was.

Q. Did you wear a red shirt in the last campaign?—A. Yes; I wear it now every-day, when I work.

Q. Do you mean you wore the shirt that you wore in the campaign?—A. I did.

Q. Did you buy or have the shirt made for the purpose of wearing during the campaign together with other parties who wore red shirts?—A. Yes, sir; I bought it for that purpose.

Q. Were you at Old Hundred on the day of the last election?—A. Yes, sir.

Q. Were parties dressed in red shirts in and about the polls on that day?—A. Yes, sir.

Q. Did you, together with thirteen others, have your pictures or photographs taken there that day while dressed in costumes usually worn by Democrats in your community during the campaign of 1898?

(Question objected to for the reason that it is immaterial to this investigation whether any set of men had their pictures taken or not, and beside, the question assumes that there was a costume when there is no evidence that there was any costumes usually worn by Democrats, or that every Democrat did not dress just as he pleased.)

A. I had my picture in the crowd with thirteen others.

Q. Were you and the other thirteen dressed in red shirts and armed with pistols?—A. We had our pictures taken that way.

Q. Is this one of the pictures that you and the other thirteen had taken there that day?

(Here the counsel for the contestant exhibited the picture to the witness.)¹

A. It is a copy of one; I don't think it is one that we paid for; it is a copy of the same picture that we had taken.

(Here the counsel for the contestant asked that the picture that was exhibited to the witness and identified by him as being a copy of the picture that he, together with thirteen others, had taken at Old Hundred precinct on election day, be marked as Exhibit A and made a part of this deposition, and attached to notes taken by Notary W. M. Kelly.)

Cross-examination:

Q. What photographer took this picture, and where is he at now?—A. Jim Lackey, at Old Hundred.

Q. What time of day was this taken?—A. Late in the evening; voting was about over with, if not over with.

Q. How far was it from the ballot boxes to where the picture was taken?—A. About 150 yards, I suppose.

Q. Were you in sight of the polls and the ballot boxes?—A. No, sir; we were not in sight.

Q. Were you in Old Hundred all day?—A. Yes, sir.

Q. State whether the election there was orderly, fair, and lawful, or not.—A. So far as I know it was.

Q. I ask you if the will of the people was not fairly expressed by that election.—A. I think it was.

Q. I ask you if the Democrats of your precincts did not at all times try to have such an election as would fairly express the will of the people.—A. Yes, sir.

Q. Isn't it a fact that the people of your precinct—I mean the fair-thinking people—are satisfied with the election as the expression of the will of the people?

(Question objected to.)

A. Yes, sir.

Q. Was not every one who wished allowed to vote and vote just as he pleased, without violence or rudeness being offered to them?—A. Yes, sir.

Q. Was not this picture taken as a matter of play, or sport, on the part of yourself and the others that were in it?—A. It certainly was.

Q. It was not taken as any part of the proceedings in the election, was it?—A. No, sir.

¹ Omitted in printing.

Redirect:

Q. Did you ever engage in any such sport at any previous election?—A. No, we never did; we never had anybody to take pictures there before, on election day.

Q. Did you ever attend an election before dressed in a red shirt, and armed with a pistol, so that it could be seen by all men?—A. I was not at the election ground when that picture was taken.

Q. How far from the polls were you when this picture was taken?—A. I suppose it was 150 yards.

Q. In what building was the polls held in that precinct?—A. They was held in the schoolhouse, right near the church.

Q. On which side of the Carolina Central Railroad was this picture gallery situated?—A. On the south side.

Q. On which side of the public road was it?—A. The public road was where we had our pictures taken.

Q. How far, and on which side of John Woodord's store was this picture gallery situated?—A. It was on the east side; it was about 50 feet I reckon.

S. B. CARTER.

Sworn to and subscribed before the undersigned notaries public this 1st day of March, 1899.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public*.
MAXCY L. JOHN, *Notary Public*.

T. A. GRAHAM, being duly sworn, deposes and says:

Q. How old are you?
(Question objected to.)

A. Forty years.

Q. Where do you reside?—A. In Stewartsville Township, precinct No. 3.

Q. Were you whipped before the election; and if so, tell all that was said and all that happened at that time.

(Objected to by contestee.)

A. I was whipped severely. Well, they came there and called for me. I persuaded my wife to tell them that I was not at home. I went under the bed and she asked me again what would she tell them. I told her to do as I told her, and they says, "Open the door; if you don't I will break it open;" and about that time they broke the door open and called for the matches and struck a match and lit the lamp, and by the time they lit the lamp I crawled out from under the bed and stood up behind the bed. They went to calling for me and asked my wife where was I. She commenced crying and would not say anything particular as to where I was. They went to searching the house then and, my folks said, drawing their pistols in their faces and saying, "We must have him." And about that time one man spoke outside the house at the window, seemingly to change his voice, and says, "Look behind the bed;" and they came in and pulled the bed around and says, "Here he is." And two men drew their pistols in my face and told me to come out, and I went, too. Well, they carried me on out. As they got about the piazza I told them I knew what they was about. I told them it was about tearing down a bill—or notice, rather—and that and others; and they carried me on out to the road there, about the corner of my garden, and took me down and they commenced to beating me. I asked them to hold on and let me talk, but them boys did not do it for a while. Then they threw up to me about canvassing around for a negro to hold the post-office and riding around to see speakings out; said I was smart going around advising how to vote. Well, they asked me would I stay away from the polls. I told them "Yes, sir." And they asked me if I would do all I could to keep others away. I told them "Yes, sir; I would swear I would;" and there was a recess in the whipping. Then one man says, "Well, fifteen more." Well, then one fellow put on five, and some one cried out, "Who next?" and then some other taken it and hit four—it was a wagon trace—and by that time some one spoke, says, "That will do, let's go." Well, they all but two exiled themselves, and one spoke, with his pistol in my face, and says, "By God, this is a white man's country; we are going to rule it if we have to wade in blood"—with his pistol drew in my face.

Q. Was the skin broke about over your body?—A. It was threadbare; raveled like.

Q. You were in your night clothes, were you, and not allowed to dress?
(Question objected to.)

A. No, sir; I did not have time to dress.

Q. After the whipping you taken no further part in the election of 1898, and the reason you did not was because of the whipping and threats made on this night?

(Contestee objects, for the reason the above is nothing more nor less than a statement made by contestant's attorney, and informs—does not even purport to be a question. It looks like the attorney is under the impression that he is testifying,

and if it could be construed to be a question, the same is not only leading, but well nigh a command to the witness how he shall testify.)

A. No, sir; I did not.

(Contestee objects to the answer as being unintelligible.)

Q. After this whipping you received before the election, did you take any further part in the election or campaign of 1898?—A. I did not.

Q. Why did you not?—A. I shall refuse to answer that question.

Q. Were you afraid to take any further part?—A. I refuse to answer that.

Q. Did you vote?—A. No, sir.

Q. Why did you not vote?

(Question objected to.)

A. I was afraid.

Q. Were not other negroes in your neighborhood whipped before the election of 1898?

(Contestee objects to the witness making any statement except as to matters directly within his knowledge, and objects to his telling anything he was told.)

A. I heard they were.

(Answer objected to.)

Q. Did not a general state of fear and terrorism prevail throughout your community because of the whippings that you and others received prior to the election of 1898? I mean as to the colored people.

(Contestee objects to this question.)

A. Locally, it did.

Cross-examination:

Q. Were you not on perfectly friendly terms with the Democrats of this county throughout the campaign?—A. I thought I was, but I was—I was not. I were with some.

Q. What do you mean by that statement; that you were with some?—A. I held a position that a good many other negroes did not hold.

Q. Do you mean to say that any Democrat was unfriendly to you on account of any position you held?—A. Yes, sir.

Q. You think you were whipped about that, then, do you?—A. No, sir.

Q. Then you were on friendly terms with all the Democrats except those who were mad at you on account of the position you held?—A. I refuse to answer that question, for not knowing.

Q. Who were you mad at?—A. No one but them that whipped me.

Q. Who was mad with you?—A. If you guess, I will say "aye." I don't know Mr. Shaw.

Q. You say you had been tearing down Democratic notices?—A. Unconsciously I did one, while drinking.

Q. You say that was what you were whipped about?—A. I did not say that was all. I said that and others.

Q. What other things did you think, yourself, that you were being whipped about, if that was not all?—A. Only what they said. I thought they were whipping me because I was trying to advise the colored people how to vote.

Q. Did you not continue to advise the colored people about voting up to the very day of the election?—A. I was not in politics.

Q. What all had you been doing in politics before you got this whipping?—A. I felt it my duty to 'Publicanism; I was advising the race; I thought the steps to go to gain the election to stick to each other, and go and register, and keep their mouth shut and let no one know your business until the day of the election, and go on and vote and go on home and go to picking cotton, and praise God and say we have the victory.

Q. You don't pretend to swear that you were whipped by Democrats, do you?—A. Yes, sir.

Q. Do you know the men that whipped you?—A. No, sir.

Q. How can you swear to the politics of a man you don't know?—A. I know a rat when I see his tail—by the language they used when they were beating me. I knew no Republican would use such language; I have been among them too much.

Q. What language do you refer to? State it.—A. Asking me to stay away from the polls, and making me swear I would; and keep all others away that I could.

Q. Were these men disguised in any way?—A. I don't think they were, Mr. Shaw.

Q. Could you see them plainly?—A. Two of them, I did.

Q. You were one of the darkies carrying guns out to speakings, wa'n't you?—A. No, sir.

Q. Didn't you start to a speaking with a gun, or some other weapon?—A. I very often carry a pistol; directly, I did not carry a gun.

Q. Tell what you did with a gun on this night of the speaking.—A. Not anything at all.

Q. Didn't you have a gun?—A. I had two guns.

Q. What did you do with them indirectly? You say you did not have them directly.—A. I left them at home; I meant that I did not have them with me.

Q. Did you go out to Hasty to hear Mr. Cox speak? Did you go to Rocky Ford? What speaking did you go to?—A. I started to Hasty, and came back a heap faster than I went; I heard the Red Shirts were there.

Q. What speaking did you go to?—A. I did not go to any speaking.

Q. Did these men that whipped you have on red shirts?—A. I don't know, sir.

Q. I ask you if you did not tear down a Democratic notice of speaking and stick up a Radical notice in its place, and state that you intended to tear down all you found put up in your neighborhood, and that you would not die satisfied until you had a negro in the post office in Laurinburg, and that you were willing to wade through white men's blood up to your knees to put a negro in that post-office; that you intended to let this country see that you was one negro that did not give a damn?

(Question objected to.)

A. I never thought of such a thing; I was afraid to handle a Republican notice.

Q. You took great interest in the election, didn't you, and always have in previous years?—A. I did, but I was afraid to this year.

Q. Who did you want to vote for for superintendent of the penitentiary, a Republican or a Populist?—A. Mr. Shaw, you are talking under my clothes now; I had not give that a thought.

Q. Who for State treasurer?—A. I refuse to answer.

Q. Why do you refuse?—A. On account of intimidation.

Q. Do you know anybody you wanted to vote for?—A. Yes, sir.

Q. Are you afraid to tell their names because you are intimidated?

(The counsel for the contestee objects to the counsel for contestant at this point stating to this witness, who is on cross-examination by the contestee, that he may refuse to answer the question of contestee, thereby intimating to the witness that the contestant does not wish to answer the questions of contestee.)

Counsel for the contestant objects to counsel for the contestee demanding of the witness that he shall answer the question yes or no, and threatening him with indictment if he does not do it.)

A. Not exactly.

Q. Then what is the matter with you?—A. Afraid to tell what I know.

Q. What do you know that you are afraid to tell?—A. A heap of things.

Q. About this election?—A. Yes, sir.

Q. Don't you know that you had to vote, if you voted at all, for a lieutenant-governor, a clerk of the court, a commissioner of agriculture, a sheriff, a United Senator, a register of deeds, a Postmaster-General, a coroner, and a large number of other officers?

(Question objected to.)

A. Well, I don't directly know that.

Q. So you don't know what there was to vote for?—A. There was a lot of officers to vote for, and in voting for them that I did know, I would get them that I did not know.

Q. You say you were afraid to tell who you wanted to vote for for superintendent of public instruction on account of intimidation; who did you want to vote for for lieutenant-governor, are you too intimidated to tell that?—A. If the law don't make me tell it, I won't, but if the law says tell it, I will.

Q. Please answer my question, giving me the name of the man that you wanted to vote for for that office.—A. I never went to any Republican speakings, I never saw any Republican tickets, and I did know exactly who all were running, and was whipped out of politics, and I swore I would not have anything to do with it, and therefore I did not seek to know who to vote for; as I could not vote for who I wanted to, I did not ask to know who they were.

Q. Didn't you just now tell me that if the law said so, you would tell me who you wanted to vote for for lieutenant-governor? Now you say you don't know. What do you mean by swearing that way, one time you know, and next time you don't know?

(Question objected to for the reason that it is asked for the purpose of confusing the witness.)

A. I can explain it. I wanted to vote for a Republican, but I could not find out who he was.

Q. Don't you know there was no Republican running for that office?—A. I hadn't the dare to see.

Q. Don't you know there were few Republicans running for any office—there wan't many Radicals running for office at the last election?

(Question objected to for the reason that the witness has clearly shown in his answers to questions heretofore propounded to him that he don't know a thing about who the candidates were in the year 1898.)

A. I don't exactly know, as I fore stated. I was whipped out of politics and never made any inquiry at all. My will was good, but I had to hide out.

Q. Truss, have you ever been indicted?—A. I was.

Q. What for?—A. Assault and battery.

Q. Wasn't it for waylaying a man?—A. That was the charge.

Q. Haven't you been indicted for whipping a woman?—A. I have.

Q. What else?—A. That's all.

Q. Haven't you been accused of fornication and adultery?—A. Not before any court or trial justice.

Q. Haven't you been accused by people?—A. Yes, sir.

Q. With how many different women?—A. I can't tell, and don't want to tell.

Q. For how many years have you been accused of this?—A. About fourteen years.

Q. How many bastard children have you got?—A. About eight.

Q. Haven't you been accused of taking men's wives away from them?—A. I have been accused of taking their women, not about their wives.

Redirect:

Q. How far do you live from the voting precinct in Stewartsville, No. 3?—A. About $2\frac{3}{4}$ miles.

Q. Did you ever see men dressed in red shirts except just on or about election times?—A. No, sir.

Maxcy L. John, associate notary in this case, enters his protest against holding terms beginning at 9 o'clock on the morning of the 28th of February and continuing until 6.40 p. m., with forty-five minutes for dinner, and resuming the same at 8 o'clock p. m. and continuing until 1 o'clock on the morning of March 1, 1899, without other intermission.

TRUSS GRAHAM.

Sworn to and subscribed before the undersigned notary public this 1st of March, 1899.

[SEAL.]

W. M. KELLY, *Notary Public.*

[SEAL.]

MAXCY L. JOHN, *Notary Public.*

EDMOND WALL, being duly sworn, deposes and says:

Q. What is your age and where do you reside?—A. I am about 24 or 25, and live in Laurinburg.

Q. Were you in Laurinburg on the day of the last election?—A. Yes, sir.

Q. Did you go or start to go to where the polls were open on the morning of the election?—A. Yes, sir; I went.

Q. Were you interfered with at or near the polls by one or more parties on the morning of the election. And, if so, state how you were interfered with and all that the parties said and done to you.—A. Yes, sir; I was. The morning of the election I went down there and the polls had not opened, and I stepped off aside and was talking to Mr. Coach Cooper and a man called me, called me three times, and I told him I would be there directly, and he cursed me and walked up to me and hunched me in the side with his fist, and when he struck me me and Mr. Cooper walked on up the street; Mr. Cooper, he went in Mr. McNair's store, and just as I stepped off the bridge in front of the store there was a man grabbed me by the arm, and I went to turn around and another one grabbed me by the other arm, and one grabbed me by the back of the neck, and the others were shoving me and had their pistols out, and one of them said, "Let's carry him to Barnes's bridge," and I said, "Men, stop, what have I done?" and one of them says, " * * * let's kill him here," and the other says, "Turn him loose, and if he goes to the polls let's take him off to-night and kill him, and not be caught in 30 feet of the polls that day," and I told them that I would not, and that is all they said to me.

Q. Did you know the parties who hunched you in the side and who caught you on the street. If so, state their names.—A. They was from South Carolina.

Q. Did they have on red shirts?—A. Yes, sir; some of them did; there was three that did not.

Q. Did you have to apply to the mayor on the evening or the night of the election for a paper which was commonly known in this community as a clearance card or a pass?

(Contestee objects, for the reason that the question is leading.)

A. Yes, sir; I was scared and I went to Mr. Bundy and told him to give—to show to them men that I did not go to the polls that day.

Q. Why did you not apply to some other one, instead of the mayor, for this paper?—A. Because I thought he was in the place to protect a man when he needed it.

Q. Did the mayor give you the paper?—A. Yes, sir.

Q. Do you know, of your own knowledge, of any other colored people that had papers or passes on election day or before the election?—A. No, sir.

Q. Were you registered in Laurinburg precinct for the election of 1898?—A. Yes, sir.

Q. Did you vote?—A. No, sir.

Q. Why did you not vote?—A. Because I did not want to be interfered with afterwards.

Q. Were you afraid to vote?—A. Yes, sir.

Q. Did you see any guns and pistols here on election day except those that you have already testified about?—A. No, sir.

Q. Was not the town full of Red Shirts all day on the day of election, and wasn't many of them strangers to you?—A. There was a right smart of them in here; there was some of them I did not know.

Cross-examination:

Q. What time in the day was it you say these men came to you and caught hold of you?—A. As near as I can guess at it, it was between 8 and 9 o'clock.

Q. This did not happen at the polls, did it?—A. No, sir.

Q. It was not done by anybody that had anything to do with the election here in North Carolina, was it?—A. No, sir.

Q. These men did not spend the day here in town, did they?—A. No, sir.

Q. This was done by them as they were passing through town, was it not?—A. They went on out in the country after they done it.

Q. None of the citizens around here bothered you in anyway, did they?—A. No, sir.

Q. I ask you if some of the white citizens did not tell you that they were sorry for this, to pay no attention to it, and that no one was going to hurt you?—A. Yes, sir.

Q. These men were drinking, were they not, Edmund?—A. They looked to me like they were.

Q. What do you mean by saying you had to get a card, or pass, from the mayor, when no one else bothered you during the day?—A. When they come back that night the boys told me that they were looking for me.

Q. You didn't meet up with them any more that night, did you; and if you did, they did not bother you any more, did they?—A. No, sir; I never meet them any more.

Q. You were about town here that night, wasn't you?—A. Yes, I was here, but was not about where I could be seen.

Q. Don't you know the boys were teasing you when they told you these men were back here in town after you?—A. As soon as I got my paper from Mr. Bundy I disappeared. I did not know that they were teasing me, and I have not found out anything more about it yet.

Q. Did you ever own a red shirt?—A. No, sir.

Redirect examination:

Q. Were you not right in front of the polls, and only a few feet from them, when you were struck?

(Contestee objects because the question is leading.)

A. Yes, sir.

EDMUND (his X mark) WALL.

Sworn to and subscribed before the undersigned notaries public this 28th day of February, 1899.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public*.
MAXCY L. JOHN, *Notary Public*.

EASTER CAMPBELL, being duly sworn, deposes and says:

Q. What is your age and where is your residence?—A. Thirty-three years old; I reside in Laurinburg, Richmond County, N. C.

Q. Are you married?—A. Yes, sir.

Q. A short time before the last election did a crowd of men go to your house in the nighttime and threaten to break down the doors and shoot into your house? If so, state what was done and said on that occasion.

(Contestee objects to this question, for the reason that it is leading and because it suggests to the witness what the contestant desires for her to say.)

A. They came there that night and knocked on the door. I answered them and says, "Who's that?" They says, "Where is William? William, get up and show me the way to Wiley Oaks's." I said, "Gentlemen, William is not here to-night." They said, "I know better; he is here. Get up and open that door. If you don't I am going to break it down. I know he is here, and we must have him to-night." "The Lord in heaven knows he is not here." In that time they commenced shaking on the door. I got out of the bed then and commenced screaming and hollering. They stormed at me and told me to shut up my mouth. In that time they shot in and tore my window completely up. The smoke just stifled me in my face, and it was 3 before I could hardly see.

Q. At any other time after that night and before the election was your house broken open in the nighttime by parties unknown to you?—A. Yes, sir; on Friday night before the election they broke open my house and broke open my front door and also the back door. They broke two locks and left my house wide open.

Q. Where is your husband, if you know, or do you know where he is?—A. Yes, sir; he is in Portsmouth, working.

Q. Do you know why he left home? If so, state it.

(Contestee objects to this question for the reason that its answer will involve simply a matter of hearsay, and it is within the power of the contestant to prove why he left by the said William Campbell.)

A. On account of the Red Shirts. They was after him, and that is the reason he left.

Q. Were not the colored people in your community badly frightened for several days prior to the last election, and did not many of them stay away from their homes during the nighttime?

(Contestee objects to so much of the foregoing question so far as it seeks to call from this witness any expression of her opinion.)

A. Yes, sir; they was badly frightened, and a mighty few of them stayed at home, especially the men.

Cross-examination:

Q. What time of night was it the first visit was made by these men?—A. It was something after 12 o'clock.

Q. How many nights before that was it that your husband was charged with stopping Mr. Bundy, the mayor of the town, and Dr. Herndon on the public road one night when they were returning from the country?—A. I do not know, sir. I did not know that he stopped them one night that he was coming from the country; he was along with his brother-in-law, Neill McLellan. His brother-in-law had lost something and he went back to hunt for it, and while he was hunting for it these buggies came up and Neill told him that he had lost something and to hold on; that he was hunting for what he had lost. That was before the men came to my house.

Q. Now, Easter, do you know Cora Smith and Easter McMillan?—A. Yes, sir.

Q. Has it not been charged against your husband that he was keeping those two women in addition to living with you as his wife?—A. Not as I know of.

Q. You will swear that this is the first time you have ever heard anybody speak about that?—A. No, sir, I will not swear that, because you have heard of many things and been accused of many things that you was not guilty of.

Q. I do not say that William was guilty of that, but was he not accused of it?—A. He might have been accused as you spoke, but no one never come to me and told me that he was.

Q. Did you never mention the matter to William?—A. I did not.

Q. Where is Easter McMillan now?—A. I don't know, only what I heard.

Q. Does she live in Laurinburg?—A. I heard she lived at Gibson or McCalls Station.

Q. Did not she leave here after Bill Campbell did?—A. Yes, sir; but it was a good while after.

EASTER (her x mark) CAMPBELL.

Sworn to and subscribed before the undersigned notaries public this 2d day of March, 1899.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public*.
MAXCY L. JOHN, *Notary Public*.

JACK STUBBS, being duly sworn, deposes and says:

Q. What is your age, and where is your residence?—A. I am 54 years old; I live New Town.

Q. Is that in this town?—A. Yes, sir.

Q. Did you vote in the election of 1898?—A. No, sir.

Q. Explain why you did not vote?—A. On Friday night before the election I was going on house; I was going out through the shopyard—I could not tell exactly whether he was a Red Shirt—he met up with me and we was both going on the same way toward New Town; he says to me, "what were you—a Democrat or a Republican?" He says, "If you come up to the polls Tuesday morning I intend to kill you." I stopped immediately; he says, "You go on." I stopped and looked at him. I knowed it wan't cold enough for him to wear an overcoat, and he pulled his coat up that way around his shoulders; he had on a long overcoat, and I went on before him. I went on by Sandy Clapp's house, then I stopped and he went on. And then, Saturday morning they had my boy under arrest, and I ran over and offered to pay; and they said they hadn't nothing to jail him. And while I was standing talking Mr. Bundy told me to tell the constable to turn him loose; and the constable said, "I

can't turn him loose until I see Mr. Bundy;" and I went and saw Mr. Bundy and he said, "Hold on; favors for favors." And he said, "Will you give me an order?" I said, "Where to?" And he said to lift your name off the registering book." And told him—I told him I hated to do that, but just had to give way to him in order to get my boy out the guardhouse. I was feeling pretty bad over the subject, so they let him loose. Then I went into Mr. Field's store and touched my hand to the pen.

Q. What position did Mr. Bundy hold at that time?—A. I disremember now.

Q. Was he not mayor of this town?—A. I think he was.

Q. Why did you go to Mr. Fields to sign the order instead of giving it to Mr. Bundy?—A. Well, I did not know at present whether the office was open down here or not. I did not think I had done any white citizen here any harm.

Q. Did not a general state of terrorism prevail among the colored people prior to the election, etc., of 1898?

(Contestee objects to this question, for the reason that it is leading, and for the further reason that it involves a question of an expression of opinion.)

A. Yes, sir; I had been up for three weeks. I had not slept any. I was out watching. I was scared myself.

Q. Did the colored people sleep in their own houses?—A. I went to several houses and could not find anybody but the women.

Cross-examination:

Q. So, then, Jack, you had your name taken off the registration book at the request of the mayor, to shield your son from punishment?—A. Yes, sir.

Q. All you have testified to heretofore is the truth, is it?—A. Yes, sir.

Q. Don't you know, as a fact, that your son was punished, and severely punished, for his offense?—A. Yes, sir.

Q. What was his offense, and with what was he charged?—A. He was charged with peeping under a water-closet.

Q. Are not these the facts that was charged against him, that two young white women went down in the garden house or privy, and that your son concealed himself under the privy at a point where any exposure they made of themselves could be seen by him?—A. Yes, sir.

Q. Did not they run him down and catch him?—A. So said.

Q. What punishment did he get for that, and who punished him?—A. They had me to whip him.

Q. Who was present when he was whipped?—A. Mr. Hubbard (the town constable) and some other gentleman.

Q. Is it not a fact that you are sometimes called Spoon Stubbs as well as Jack Stubbs?—A. That is the first time that name has come up to my knowing.

Q. Do you recollect the night that two gentlemen went over to your house and searched it and found some silver spoons on which was cut the name of Mr. Tom Gill and Mrs. Ludie Gill?—A. Yes, sir.

Q. How many spoons did those two gentlemen get from your house that night—wan't it nine?—A. I do not remember.

Q. There were several, wan't there?—A. Yes.

Q. Did you have any silver spoons with your name cut on them?—A. No, sir.

Q. Wan't some of those spoons found in your kitchen and in the cupboard?—A. They was laying on the table and on the bureau.

Q. How about Squire John McLean's potatoes?—A. I ain't on that now.

Q. What sort of potatoes were those found in your house after Squire McLean's potatoes were stolen?—A. I have got nothing at all to do with that. I have not come here to discuss that matter.

Q. How much was it that you offered Mr. McLean to drop that matter?—A. I did not make any charges.

Q. What charges did Mr. McLean make?—A. I don't know, sir.

Q. When Everett Bros. & Gill kept store here, what was it that they charged you of taking?—A. I don't know as they charged me of anything; never took nothing from them men.

Q. The man you were talking about in your direct examination as going through the shop yard with you, did he have on a white shirt, a checked shirt, or what sort of shirt did he have on?—A. I could not tell.

Q. That being the truth, why was it that you stated on your direct examination that you could not exactly tell whether he had on a red shirt or not, when the question of red shirt had not been suggested to you in any manner, shape, or form?—A. He had his coat buttoned up—a long overcoat.

Q. How close were you to the man?—A. I was right behind him.

Q. Did he call you Jack or Uncle Jack?—A. I don't know what he called me.

Q. Who was he?—A. I could not tell; he had on a cap.

Redirect:

Q. Have you ever been indicted in any of the courts for stealing?—A. No, sir.

Q. Did the town authorities agree to turn your son loose if you would whip him?—A. Oh, yes, sir.

Q. After you had whipped him did they demand that you also have your names erased from the registration book?—A. Yes.

Q. Do you know Mr. Fletcher, who has been prompting Mr. Neal during this examination?—A. Yes, sir.

Q. Is he not a very bitter enemy of the negroes, and a Red Shirter?—A. I could not answer that question; I could not understand it good; may be, perhaps he is, I don't much about him.

Q. And were you told on the morning of the election in 1898, to get off the streets for fear you would be hurt; and if so, who by?—A. Yes, sir; a gentleman who looked like he had some reality for the colored people that day.

Q. What did he tell you?—A. He come to me and said to me, asked me if I wanted to vote, and I told him, no; and said to me for fear you will hurt you had better get off the streets.

JACK (his x mark) STUBBS.

Sworn to and subscribed before the undersigned notaries public this 2d day of March, 1899.

[SEAL.]

W. M. KELLY, *Notary Public.*

[SEAL.]

MAXCY L. JOHN, *Notary Public.*

ROSA SHAW, being duly sworn, deposes and says:

Q. What is your age, and where is your residence?—A. I live in Laurinburg; I am 44 years old.

Q. Are you the wife of Murdock Shaw?—A. Yes, sir.

Q. Just before the election of 1898, did a crowd of men go to your house in the nighttime, break open the doors and enter it? If so, state what was done and said at that time.

(Contestee objects to this question for the reason that it is leading.)

A. Yes, sir; a crowd of men went there, broke the front door open and walked about in the two front rooms, they came to last passage door and broke that open, then they stood there and made a torch and then knocked at my room door and said, "Murdock, get up and open this door." I says, "Gentlemen, my husband is not in here; there is no one in here but me and a little girl." They said, "Yes, but I know he is in there for I heard you talking to him." I said, "No, sir; he is not in here, but I will open the door if you will wait a minute and let me light a lamp." I got up and lit a lamp and told the little girl to open the door and I sat back on the bed; the little girl opened the door and they all rushed in. I says, "Gentlemen, I am sick, please don't bother," and they said, "I am not after you, but after Murdock." They searched the room, under the bed and in the closet, and looked among some of the bedclothing, one man went to the door and called the rest and they all rushed to the closet, they thought he was there but he was not. As they started out of my room I said, "Gentlemen, there two doors on the back porch, here is the keys, don't break open any more of my doors." They took the key and unlocked the door and did not break open any more doors. After they searched them rooms they came and throwed the keys back on the foot of the bed in my room; they started out and says, "You tell Murdock to go up and have his name erased from the registration book; if he don't we will be to see him before the election, or after." I went to the front door and asked them as they were leaving, what should I do if he don't come home before the election, about telling him what they said. They answered and said, "Just tell he must take it off."

Q. What time of night did this happen?—A. As near as I can tell, it was about 3 or 4 o'clock in the night.

Q. Was this the night that Phil. Dudley was killed?—A. Yes, sir.

Q. Were the parties that went to your house armed, or do you know?

(Contestee objects to this question for the reason that it is leading.)

A. Yes, sir; they were armed.

Q. Did your husband leave this country on the day after this happened?—A. Yes, sir.

Q. Did he remain away from Laurinburg until after the election?—A. Yes, sir.

Q. Is not the section of Laurinburg in which you live mostly inhabited by colored people?—A. Yes, sir.

Q. Were not the colored people in your community badly frightened for some days prior to the last election, and did not many of them stay away from their homes in the night time?

(Contestee objects to this question for the reason that it is leading, and for the further reason that it asks the witness for a mere expression of opinion.)

A. Yes, sir.

Cross-examination:

Contestee's counsel don't desire to cross-examine.

ROSE SHAW.

Sworn to and subscribed before the undersigned notaries public this 2d day of March, 1899.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public.*
MAXCY L. JOHN, *Notary Public.*

JOHN WILLIAMS, being duly sworn, deposes and says:

Q. What is your age and where is your residence?—A. Age 59; residence, I don't know exactly whether it has changed or not. They used to call it Stewartsville; I don't know whether it is Laurinburg or Stewartsville.

Q. How far from Laurinburg?—A. I live just about 1½ miles from Laurinburg.

Q. Are you a Union soldier?

(Question objected to.)

A. Yes, sir.

Q. Did a crowd of men go to your house in the nighttime, just before the last election, and whip you? If so, state what was done and said by them.—A. They did; and they came there on the 25th of October; I looked at my clock; they came there before the election, and they called my wife and asked her was John in here, and I didn't let her answer. After awhile I said, "Yes, I am in here," and I was slow about opening the door, and didn't open the door. They said, "You ain't going to open the door?" and some man knocked the door, butted the door open with their gun, and come in there and says, "Light your light!" I says, "I have no oil in the lamp." They did not believe me; they went on to the mantelpiece, and took the lamp down, brought it to the table, and struck a match to light it, and there was no oil in it. Then they grabbed me and carried me on outdoors with them, about 30 yards from the house, and asked me, said, "I heard you were guarding Hugh Archie Gilchrist and Mose Duglass," and I says, "No, sir; I wa'n't; I didn't do it." They put me down on the ground, and they give me near 50 lashes with a buggy trace, and told me if I came here to the polls on that day they would kill me afterwards. I says, "Sir, I did not aim to vote, nohow," and then they turned me loose and says, "You run, sir!" and, before my God, I tried to run, I run, and I fell down over a dozen times before I got home, and I was laid up three weeks, and I ain't able to make my export now like I ought to be, from that beating.

Q. Were the parties that whipped you armed?—A. Yes, sir.

Q. About what time of night was it they whipped you?—A. At 28 minutes after 2.

Q. Were the parties that whipped you dressed in red shirts?—A. I did not particular notice for the red shirts; they was white people.

Q. Did you vote?—A. No, sir.

Q. Why did you not vote?—A. I got a whipping on the cause of it, and I stayed away.

Q. Do you mean you were afraid to vote?

(The contestee objects to the foregoing question for the reason that it is leading and suggests to the witness what answer the contestant desires to have the witness make.)

A. Yes, sir.

Cross-examination:

Q. When did this occurrence you have related take place?—A. It took place before the election, on Tuesday night.

Q. Do you mean to say that it took place Tuesday week before the election or Tuesday two weeks before the election?—A. It took place a week before the election.

Q. Had you not at that time made up your mind that you would not vote or have anything to do with the election?—A. I had been spoke to by some friends they said was mine, told me on that day of the election for me stay home. I walked off from them. I did not tell him what I would do. In during that week 'gain I met them again. He says, "John, you just as well to stay home; you ain't going to vote nohow." He says, "You niggers thinks that you are going to carry this election." I says, "No, sir, if they are like me, and like the things I see going, it will pay me to stay home." He said, "My device is to you, let others do like they may do." I says, "I will not give you no trouble about me."

(The contestee objects to the foregoing answer, for the reason that it is not responsive to the question propounded to the witness.)

Q. Now answer the question. Had you not at that time, I mean Tuesday night

before the election, made up your mind that you would not vote?—A. No, sir; I had not made it up.

Q. When those parties came to your house that night, did you tell them a lie about anything?—A. No, sir.

Q. Did you not state in your direct examination that on the Tuesday night before the election, when these parties came to your house, that you did not aim to vote anyhow?—A. I did tell him so.

Q. Did you not tell me a minute ago that up to that time you had not made up your mind as to whether or not you would vote?—A. No, sir; I did not.

Q. I ask you this question, if a few minutes ago I asked you this question: "Had you not at that time," I mean Tuesday night before the election, "made up your mind that you would not vote?" Did not you in reply to that say, "No, sir; I had not made it up?"—A. A scared man will tell any when he is disarmed with other men.

Q. Did you not tell me just now that you did not tell any lies to the parties who were at your house on Tuesday night before the election?—A. Yes, sir; I did tell him I did not tell them any lies.

Q. You swore awhile ago that you did not tell them any lies.—A. That ain't what I swore.

Q. Did you tell them any lies that night?—A. No, sir; I did not tell them any lies.

Q. Was it not a lie when you told them that you did not aim to vote?—A. I am done with it; I ain't going to answer any more.

Q. John, was it not a lie when you told him that you did not aim to vote?—A. I don't know anything about it; I want to go home.

Q. Do you decline to answer any other questions which the counsel for the contestee may put to you?—A. Yes, I do decline.

JOHN (his x mark) WILLIAMS.

Sworn to and subscribed before the undersigned notaries public, this 1st day of March, 1899.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public*.
MAXCY L. JOHN, *Notary Public*.

AGGA DUDLEY, being duly sworn, deposes and says:

Q. What is your name, and where do you reside?—A. Agga Dudley is my name; I reside in the town of Laurinburg.

Q. Were you the wife of Phil Dudley before he was killed?—A. Yes, sir.

Q. Where were you living when he was killed?—A. At Mr. Hugh Stewart's.

Q. How far is that from the town of Laurinburg?—A. About a quarter of a mile.

Q. Did a crowd of men go to your home in the nighttime a short time before the last election and shoot into your house and kill your husband? If so, just state in your own way what was done and said on that occasion.

(Contestee objects.)

A. Well, they came and called him three times, and he answered them; and they told him to come out of there, they wanted to see him. He said, "All right, sir." And then he got up out of the bed and put on his clothes, and then they asked him was he coming out, and he said, "Yes, sir: just as soon as I can get my clothes on." And then they waited on him a little while, and they asked him was he coming out or was he going to have them to break down the door on him. He said, "Yes, sir; I will open it directly, as soon as I can get my shoes on." And then he got up and opened the door, and when he opened the door I heard him say, "Stand back," and then I heard some say, "He has got his gun; shoot him," and the shooting commenced.

Q. Was there a great many shots fired?—A. Yes, sir.

Q. After the shooting was over did you find that your husband was shot?—A. I called him and asked him where was he, and he said, "Here I am; I'm shot." And I got out from under the bed as quick as I could and went to him.

Q. Did you find him in the house or out of the house?—A. In the house.

Q. Was the house pretty well shot to pieces?

(Question objected to.)

A. Yes, sir; what I see of it; I never examined it much.

Q. Do you remember the day of the month that this happened?—A. Yes, sir; it was the 1st day of November. I don't know what year it was.

Q. It was just before the last election, was it not?

(Question objected to for the reason that it is leading and intended, judging from remarks of the counsel for the contestant, to intimate to this witness just what he desires to be said.)

A. Yes, sir.

Q. About what time of night did this happen?—A. It was about 4 o'clock in the morning.

Cross-examination:

Q. You didn't see these people that shot Phil, did you, Agga?—A. No, sir.

Q. You don't know whether they were white or black?—A. No, I don't know what color they was.

Q. Phil had nothing to do with politics, he was a quiet negro, stayed at home and attended to his work, didn't he?—A. Yes, sir.

Q. Never even talked politics, did he?—A. Not as I know of.

Q. Nobody never was mad at Phil except a few people he was witness against, were they?—A. I don't know, sir; I never heard him say.

Q. Phil had been a witness in the United States court against some people for selling liquor, hadn't he?

(Question objected to.)

A. Yes, sir.

Q. Other persons around here besides Phil had been shot or shot at about being witnesses in these liquor cases, had they not? Horace Goodson, for instance.

(Question objected to.)

A. I don't know, sir.

Q. Do you mean to say that you don't know that Horace Goodson was shot?—A. I did not know it, for I did not see him.

Q. Don't you know it was the common talk around this town that Horace Goodson was shot because he was a witness in a whisky case?

(Question objected to.)

A. Yes, sir; I heard it, but I did not see it; I can not tell that; I do not know.

Q. Lots of colored people have been indicted around here for selling liquor, have they not?—A. I don't know, sir; I ain't got nothing to do with the liquor question.

Q. Have you not heard of a large number of colored people and white people being indicted for selling liquor in this section of the country in the last year or two?—A. I have not anything to say, sir; I did not know I was here for whisky question; I don't know anything about it.

Q. Have you not heard the common talk around here of these whisky indictments against various persons?—A. I don't know what to say; I have done told all I know about it; I heard Phil state that he was a witness against, and that's all I know about it.

Q. Do you know Eli Pate?—A. Yes, sir.

Q. Did you not hear that he was indicted for selling liquor some time ago?—A. No, sir.

Q. Did you hear about Henry Covington being indicted?—A. Yes, sir.

Q. Did you hear about Henry McNair being indicted?—A. I don't know whether I have or not.

Q. Don't you know they have got him in the penitentiary right now? Haven't you heard that? For selling liquor?—A. No, sir; I never heard at all what he was there for; I think I heard he was there, but I don't know what he is there for.

Q. Did you hear about Wiley Oaks being put in some time ago—some four or five times?—A. I think I did; he is there now, I reckon; I don't know what for.

Q. Did you hear about Eli Raper being put in jail?—A. No, sir.

Q. Did you hear about Sim De Berry?—A. I don't believe I know him.

Q. Did you hear about Charlie Campbell?—A. No, sir.

Q. How long have you been living around here?—A. About twelve or thirteen years.

Q. Don't you know any of these negroes around here?—A. No, sir; I am not acquainted with many of them at all.

Q. Don't you belong to the church?—A. Yes, sir; I don't the members.

Q. Phil had had some trouble or misunderstanding with the merchant who furnished him supplies for the last crop, had he not?—A. I don't know; he never told me.

Q. Don't you know that a merchant had his crop seized and took it away from him?—A. No, sir; he told me he was saving his seed to get cotton-seed meal with.

Q. What became of those cotton seed?—A. Mr. Monroe, the merchant, got them since he died.

Q. Don't you know Phil and this merchant were in a contention about the mule or horse he worked?—A. No, sir.

Q. What became of it?—A. Mr. Monroe, the merchant, got it.

Q. Don't you know Phil was trying to claim that it belonged to you?—A. No, sir; it was the cow, I reckon, he was talking about.

Q. What became of the cow?—A. Mr. Monroe got it.

Q. Phil did not want Mr. Monroe to take the cow, did he?—A. He didn't take her; he paid me for her.

Q. Phil was a witness against several people around here, was he not?—A. None but Henry Covington that I know of.

Q. Wasn't he a witness against George McLaurin for shooting the little Rush boy?—A. I don't remember it.

Q. Was he not a witness against Wash. McEachin for perjury?—A. I don't know, sir.

Q. Was he not a witness in the Hugh Stewart case?—A. I didn't know he was in it.

Q. You don't pretend to swear that Phil was killed on account of politics, do you?—A. I could not tell you to save my life.

Q. Phil hadn't been going around to political speakings or having anything to do with politics, had he?—A. No, sir.

Q. You heard about Mr. North refusing to let Phil have the cotton seed at the oil mill, didn't you?—A. No, sir.

Q. Didn't you hear about Phil telling Mr. North he would die and go to hell but what he would have those seed?—A. No, sir.

Q. Did you hear about Mr. Monroe getting mad with Phil and having to order him out of his store?—A. No, sir.

Q. Did you not hear Phil say he had been to see a lawyer about it?—A. No, sir.

Q. Where were you at the time of the election?—A. I was over to Mr. Stewart's, I think.

Q. How many times did Phil shoot when he went to the door that night?—A. I don't know, sir.

Q. Phil shot first, didn't he?—A. I don't know, sir.

Q. Phil was shooting a gun and a pistol, too, wasn't he?—A. I don't know, sir.

Q. Was it one or two men that was outside there?—A. It seemed to me like it was a heap of them; I never saw them; I heard the talking.

Redirect:

Q. How long has it been since Phil was a witness in these liquor cases you speak of?—A. Last May, I think, was the last one.

Q. Have men accused Mr. Monroe or Mr. North with killing your husband?

(Question objected to.)

A. No, sir.

Q. Did not you believe at the time and do not you believe now that your husband was killed by the red shirts?

(Question objected to for the reason that the question is leading and intended to suggest to the witness an answer, and, contestee contends, shows that the witness had been trumped up for the occasion, and that the contestant is seeking to produce the impression that any and all things done in this country were done by Red Shirts, whether he can prove it or not, and whether the party suffering were politicians or had any interest whatever in the approaching election.)

A. Yes, sir.

Recross-examination:

Q. Why do you say you believe the Red Shirts killed him; what had Phil done to make the Red Shirts mad at him?—A. Because they said the Red Shirts was whipping them all; he had not done anything that I know of.

AGGA (her x mark) DUDLEY.

Sworn to and subscribed before the undersigned notaries public this 1st day of March, 1899.

[SEAL.]

[SEAL.]

W. M. KELLY, *Notary Public.*

MAXCY L. JOHN, *Notary Public.*

NEILL MCLELLAN, being duly sworn, deposes and says:

Q. What is your age, and where is your residence?—A. About 35; Laurinburg.

Q. Did a crowd of men go to your house a short time before the last election in the nighttime and interfere with you in any way? If so, tell what they done and said to you.

(Contestee objects to this question for the reason that it is unfair and leading, and for the further reason that it seeks to elicit an answer which is not borne in the mind of the witness, and for the further reason that it is too general.)

Counsel for the contestant admits that this question might be construed to be a little leading, and would not have been asked but for the reason that the witness is a colored man and does not possess sufficient intelligence to answer the question had it been put as rules required.

Contestee insists that this question is grossly incompetent, for the reason that law does not provide any different rules in regard to the examination of a witness, whether he be a white man or a colored man, and whatever be the state of his intelligence, and that if he be such a witness as has not sufficient intelligence to answer questions propounded in the proper form, his testimony should not be introduced in this contest.

Counsel for the contestant protests against the counsel for the contestee interfering with the witness before he is tendered to him for the cross-examination.)

A. They came up and hailed; wanted to know was I at home. I came to the door; who is that? Says, "Come out, Neill, we want to see you." I says "I am undressed; come in." They says, "No, come out, Niell, we want to see you." Soon as I get my pants. I started to get my pants. There was some three or four coming in at the door as I turned away from it—caught hold of me and commenced pulling, and I commenced pulling against them. They outpulled me. They pulled me on out into the field on the road. They says, "Get down here." They just crushed me right down there, and there they beat me and say, "You have been mighty busy around here, have you not?" I started to answer them, and they buried my face and mouth down in the sand. One beat awhile and then another beat awhile, saying, "* * * you, you stay away from the polls." One stood off a piece and says, "Put it on him, * * * him." When they got tired of beating me they told me to get up and go on to the house.

Q. Did they bust the hide on you?—A. Yes, sir.

Q. Have you been in the habit of working for the Republican party in your section, such as looking up registration, etc., in elections heretofore?—A. Yes, sir.

Q. Did you do any work for the party in the campaign of 1898?—A. No, sir.

Q. Why did you not?—A. I was hindered and scared.

Q. Did you vote?—A. No, sir.

Q. Why didn't you vote?—A. I was scared to vote.

Cross-examination:

Q. You swore in your direct examination that your residence was in the town of Laurinburg at the time of this occurrence. Don't you know that that is not true?

(Objected to for the reason that witness did not state in direct examination that he resided in Laurinburg at the time of this occurrence.)

A. I did not swear that.

Q. What did you swear?—A. I swore that I lived in Laurinburg, but not in the town.

Q. How could you live in Laurinburg without living in the town?—A. That is in the township of Laurinburg—I mean my post-office is Laurinburg.

Q. Don't you know that there is no township of Laurinburg?—A. No, sir.

Q. What township do you live in?—A. Laurinburg, Stewartsville No. 2.

Q. Will you swear that there is such a township as Laurinburg, Stewartsville No. 2?—A. In part, I will.

Q. What part?—A. Laurinburg, Stewartsville No. 2.

Q. You swore in your direct examination that you had been in the habit of working for the Republican party by looking after registration; what is registration?—A. It's what I call registration—seeing that all the voters got their names on the book—names there proper.

Q. What are the qualifications of an elector?—A. Seeing that his full name is on the book.

Q. Anything else?—A. No, sir; I'll stop at that.

Q. Will you swear that there are no other qualifications?—A. No, sir; I won't.

Q. Are there any other qualifications?—A. Yes, sir.

Q. What are they?—A. In three Wm. Campbell's, there must be a division made in the qualification on the registering book.

Q. On whose land did you reside last year?—A. Mr. McBrydes.

Q. Will you swear that all of the land which you tended was in Stewartsville Township?

(Objections for the reason that the question is foreign to the matter at issue.)

A. As far as I know.

Q. Have you not been accused—not in the courts—of stealing cotton at night?—A. I have not.

Q. Will you swear that such has not been the talk among your neighbors, both white and black?—A. I will.

Q. What kind of work for the Republican party did you do in the campaign of 1898?—A. None.

Q. Did you attend any political meetings?—A. One.

Q. When and where was that?—A. It was some time in the month of November at Rocky Ford schoolhouse.

Q. Do I understand you to say that that was the only political meeting which you went to during the fall of 1898?—A. No, sir; it is not.

Q. Then why did you swear that you had attended only one during campaign of 1898?—A. I went in and attended to that one; that I swore to. I went to another—I didn't go in—and was scared away by a big crowd of men; that's why I say I didn't attend that one.

Q. Where was that meeting, I mean the one from which you were frightened away?—A. St. Luke schoolhouse or church house, I reckon it is schoolhouse; I don't know; I didn't stay long enough to see what kind of a house it was.

Q. What was done by the crowd of men who frightened you away from that meeting, and give the names of each person in that crowd who did anything that frightened you, and tell what he did?—A. There was nothing done as I know of. I did not stay there.

Q. Why were you frightened, then?—A. In going to that meeting I got in contangled with a crowd of buggies. I could not get by them on the road, having to go on in the crowd. As soon as I got to the place of speaking, I got a chance to turn off and get away from the crowd and left.

Q. Was that all that took place to frighten you?—A. No, sir; it was not.

Q. Then tell it all, and give the name of any person who did or said anything that frightened you.—A. I don't know anyone that was along. It was a big crowd of white folks, and it was a colored folks' speaking, and that frightened me, and that was all.

Q. Did you not expect to see any white folks at that meeting?—A. No, sir; I didn't expect to see such a big crowd.

Q. Was it not a public meeting, and an occasion for political speaking?—A. Yes, sir; it was.

Q. Then, why was it that you expected no white folks to be there, if it was a public meeting; and do not white folk attend Republican meetings down here?—A. I did expect some white folks to be there; they do attend the public meetings down here a little before this last election, and in this last election they attended them all, as far as I know.

Q. How many, and what white people did you expect to meet there?—A. Mr. Cox, Mr. Henry Dockery, Mr. Claudius Dockery, a few of the white Populists, and one or two of the good old Democrats around here.

Q. Did you expect any Democrats to be at that meeting?

(Objections for the reason that witness has just testified that he expected one or two good old Democrats.)

A. I expected one or two of the good old Democratic friends to be there.

Q. Then why, if you expected the appearance of so many white people, did the coming of the men whom you alluded to above, if they did no more than you swore was all that they did, cause you to so take fright and run away?—A. There was so many of the whites, more than I expected.

Q. How many were there?—A. I don't know, rightly; there was 25 or 30 buggies, I thought.

Q. Who went down there with you, and who came back with you?—A. Charlie Campbell, Murdock Shaw, and little William Campbell.

Q. On the way back, did you meet or see Mr. Frank Bundy and Dr. Herndon?

(Objections for the reason that whether or not he met or saw Mr. Frank Bundy or Dr. Herndon had got nothing to do with this proceeding and is wholly foreign to the matter at issue.)

A. Not to know him.

Q. Why don't you know it?—A. I met a buggy, but I don't know who was with the buggy.

Q. Did you find out afterwards who was in that buggy? If so, who was it?—A. Yes, sir; Mr. Frank Bundy and Dr. Herndon, I think it was.

Q. Tell what occurred when you met that buggy, including the acts of yourself and companions.—A. We was coming along the road home, I having a bottle of Charlie Campbell's whisky in the buggy, and it fell out. Going back to find it, some other buggy drove up. We kind a met it. Mr. Frank Bundy and Dr. Herndon was in the buggy. We says, "Hello, boys! We lost a bottle of whisky. Ain't you got none?" "No; we will give you some of this." We looked to see what it was, and it was the appearance of a pistol. "Oh! no, sir; we don't want shot." We walked fast and went on back to our own buggies, and came on to town here very fast.

Q. Where were you standing while you were talking to Mr. Bundy and Dr. Herndon?—A. We were standing on the edge of the road.

Q. Who took hold of the bridle?—A. No one at all.

Q. Who went to the horse's head?—A. No one at all.

Q. Was it a bright night, or was it dark?—A. It was kind of a light night. It was not to say not right dark. You could diszaren a buggy some distance ahead of you.

Q. Could you recognize Murdock Shaw from Wm. Campbell that night? If so, how far?—A. About a yard or two yards, I reckon.

Q. How close did you get to their buggy dash (Bundy and Herndon)?—A. About a yard.

Q. How long, Neill, have you known Mr. Frank Bundy?—A. About twenty years, I think.

Q. Have you not known him well, and was he not at the time mayor of Laurinburg?—A. Yes, sir; I guess he was, and I have known him well.

Q. Then please explain how it was that since you had known Mr. Bundy so long and so well for twenty years, you could not recognize him at the distance of only 1

yard, when you swear that you could recognize Murdock Shaw and Wm. Campbell at the distance of 2 yards?—A. He was traveling along in his buggy with a top on it; trotting along he never stopped is why I did not know him, I think.

Q. Did you not swear in your answer to a question above that they did stop at the same time that you saw the appearance of a pistol?—A. I did not.

Q. Do you pretend now to swear that they did not stop at all at that place and time?—A. I will.

Q. Have you related that whole occurrence that took place that night in connection with Mr. Bundy and Dr. Herndon?—A. I have.

Q. Then why was it that you on the next day, or during the next few days, went to see Mr. Bundy and begged him not to prosecute you, if that was all that you had done?—A. I did not do it.

Q. Do you swear that you did not go to see Mr. Bundy about that affair at all?—A. No, sir; I do not.

Q. Then you did go to see Mr. Bundy about it?—A. Yes, sir; I did.

Q. I ask you now to tell the truth and answer me this question, don't you know, or is it not your opinion, that this affair with Mr. Bundy and Dr. Herndon had something to do with your being whipped?—A. I do not think so.

Q. Were you not charged with holding them up on the highway?—A. Yes, sir.

Q. Did you not go to the polls on election day?—A. I did go.

Redirect:

Q. Did you have any intention of interfering or in any way molesting the occupants of that buggy at the time you hailed them?—A. No, sir; I did not, nor didn't.

Q. Did you know, or have any idea, who it was in that buggy at the time you hailed them?—A. No, sir; I did not.

NEIL McCLELLAN.

Sworn to and subscribed before the undersigned notaries public this 1st day of March, 1899.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public.*
MAXCY L. JOHN, *Notary Public.*

S. M. COLE, being duly sworn, deposes and says:

Q. What is your age, and where do you reside?—A. My age is 39 years; I reside at Old Hundred.

Q. What is your politics?—A. I am a Populist.

Q. Were you at Old Hundred precinct on the day of the election?—A. Yes.

Q. Was the polls at that precinct surrounded by Red Shirts?

(Question objected to, on the grounds that it is leading.)

A. Yes.

Q. Was any Populists or Republicans assaulted by Red Shirts there on that day?

(Contestee objects to this question on the grounds that the same is leading and is not allowable, this witness having announced that he is a Populist, and therefore friendly to the contestant and showing no hostility to the investigation, and the contestee earnestly contends that this investigation should be conducted without leading questions and with some regard for the rules of evidence, and insists that this witness should simply be asked some general questions that would elicit such knowledge as he has touching the election, and not be led in this piecemeal style by having each question suggest just such answer as the contestant desires.)

To all this unnecessary time-killing foolishness the contestant enters his solemn protest. This is a free country, and the laws governing contests of this kind and all proceedings in which evidence is introduced to determining legal rights are so well known, or should be, that it is perfectly apparent that the objection entered and noted by the contestee is founded upon principles of law and justice reported in the text-books from Greenleaf, Stiven, and others, and upon which every supreme court in this country and England has passed with favor.)

A. There was one.

Q. Did a large number of Republicans and Populists fail to vote at that precinct in the election of 1898, and have any of them since the election told you the reason they did not vote was because they were afraid that they would be interfered with or assaulted?

(Question objected to by contestee. The contestee objects to the utter disregard of the law evinced by counsel for the contestant, and insists that it is apparent that there is no purpose on the part of contestant to conduct a fair investigation of the late election. The question above stated is objected to in that it asks, "Did a large number of Populists and Republicans fail to vote at that precinct in the election of 1898," is a leading question and not allowable under the rules of evidence, and again insists that the witness having announced that he is a Populist and therefore

friendly to the contestant and showing no hostility to the investigation the contestee earnestly contends that this investigation should be conducted without leading questions and with some regard for the rules of evidence, and insists that this witness should simply be asked some general questions that would elicit such knowledge as he has touching the election and not be led in this piecemeal style by having each question suggest just such answer as the contestant desires, and the contestee makes further objection to the above question, and to this part of the same, viz, "and have any of them since the election told you the reason they did not vote was because they were afraid that they would be interfered with or assaulted." This part of the question is closely intended to elicit what, from any point of view, is hearsay testimony. If the contestant desired a fair investigation it does seem that he would bring the individuals, if there are such, before the court, and let them testify for themselves as to whether or not they did not vote for the reason that they were afraid that they would be interfered with or assaulted and thus afford the court and the committee asked to pass upon this election an opportunity to investigate what reason, or if there were any reason, in contemplation of law, for such fear on their part, or see if they were simply winding, or talking for the purpose of leading this witness and thus manufacturing testimony on which the contestant might, in his extremity, attempt to base a contest, and thus procure for himself and his henchmen the statutory allowance provided for in cases of contests by the statutes of the United States, and the contestee insists that this line of examination and search for hearsay is proof that the contestant is only trying to gain the statutory allowance above referred to, and not for the purpose or with the expectation of showing that he is in reality making this contest in expectation of securing the seat of the contestee in the next Congress of the United States, and we are satisfied that such indirect testimony will never induce any fair body of men to seat the contestant after the unanimous manner in which he was repudiated by the intelligence, the morality, and property-holding suffrages of this district.)

A. There were some that told me that they were afraid to vote for fear there be a row.

Q. Did you vote in the election of 1898; and if you did not, why did you not?—A. There were several reasons why I did not vote. I did not think that I could vote the ticket that I wanted to vote without someone interfering with me.

Q. Did not a general state of lawlessness exist in your community for some days preceding the election of 1898?

(Contestee objects to this interrogatory, to wit, "Did not a general state of lawlessness exist in your community for some days preceding the election of 1898?" for the reason that it is a well-established principle of evidence that a party is not permitted to ask of his own witness, who has not shown that he is hostile to the party calling him, a leading question; and for the further reason that the question which has been propounded to the witness involves a question of law; and for the further reason that it is not permissible for the witness, who has not qualified himself as an expert on the question as to what is lawful and as to what is unlawful, to testify about a condition of lawlessness without first setting up a standard as to what is lawful and what is unlawful; and for the further reason that the contestant by this question seeks to establish a condition of affairs inimicable to the rights of the contestant, according to the opinion of this witness, without first giving names, occurrences, and facts upon which a reliable conclusion could be formed by the committee—that is to say, the contestee contends that the contestant should give to the contestee such reasonable data as will give him an opportunity to show that lawlessness on the part of the supporters of this contestee did not prevail at Old Hundred precinct, in the county of Richmond, and State of North Carolina.)

A. There did.

Q. Was not everything done by the Democrats that could possibly be done in your community without resorting to the actual shedding of blood for a few days preceding the last election to bulldoze, terrorize, frighten, and intimidate the Republican and Populist voters, and to prevent them from going to the polls?

(Objection by contestee. The contestee contends that this question is leading and is not an open, fair question; that if the contestant contends that the election is to be condemned for any acts done by Democrats, he should ask for a detail statement of such acts and not ask so general a question. The witness is even entitled to a fairer question than this, and it doesn't purport to get anything from this witness more than an opinion.)

A. So far as I know, there was.

Cross-examined:

Q. In your examination in chief, you stated to the notaries who are conducting this matter for and in behalf of the contestant, O. H. Dockery, and the contestee, Hon. John D. Bellamy, that you were a Populist; will you be kind enough to state how many years you have been a Populist?—A. It's been some four or five years.

Q. Now, Mr. Cole, will you be kind enough to state what your political platform as a Populist is, and how long have you believed in the political tenets enunciated by the various platforms of the Populist party?

(Question objected to.)

A. I am Populist under the Chicago platform.

Q. Are you a Populist under the principles promulgated by any other platform than that of Chicago?

(Question objected to.)

A. Yes; I am a Populist under the Fusionist ticket.

Q. What was the platform on the Fusionist ticket?—A. Well, I don't know as I want to answer that question.

Q. Why do you not want to answer that question?—A. Well, Mr. Neal, I tell you why I did not want to answer it; I did not want to expose the Democrat party, as they had stolen our platform at Chicago.

Q. Be kind enough to state, Mr. Cole, where you were on the day of the election in the year of 1898, when we held an election in the State of North Carolina to elect members of our judiciary for superior court bench, solicitors, clerks of the superior court, sheriff, register of deeds, coroner, members of board of county commissioners, surveyor, members of Congress, and constables, also justices of the peace for the various townships in the county of Richmond?

(Question objected to.)

A. I could not tell every place that I was at that day; I was there at Old Hundred.

Q. Please state how far you live from Old Hundred.—A. I live at Old Hundred.

Q. How far is Old Hundred from Rockingham?—A. I never measured it exactly; they call it about 14 miles.

Q. Did you stay around Old Hundred pretty much and all throughout the day of election held in the month of November, on the 8th day thereof, for the election of the officers heretofore enumerated in a question propounded to you a few minutes ago?

(Question objected to.)

A. I was there all day.

Q. In what township was that election for the officers aforesaid conducted?—A. Williamsons.

Q. You know Oliver Dockery is a Republican, do you?—A. Well, I suppose he is.

Q. When did Colonel Dockery become a Republican?—A. Well, I don't know anything about that.

Q. What was Colonel Dockery in the contest of 1896?—A. He belonged to the Fusionist ticket.

Q. Do you undertake to tell the notaries in charge of this examination that there was a Fusionist ticket in North Carolina in the year 1896?—A. Well, I think there was; I have not kept up with it.

Q. I ask you if, as a matter of fact, the Republican party with Daniel L. Russell as its candidate for governor, Charles Reynolds as its candidate for lieutenant-governor, and the Hon. W. A. Guthrie, Populist candidate for governor, and O. H. Dockery, Populist candidate for lieutenant-governor, Hon. Cyrus B. Watson, Democratic candidate for governor, and Thomas W. Mason, candidate for lieutenant-governor, did not constitute the three tickets in the field in the year 1896?

(Question objected to by contestant, for the reason that the witness has shown in his answers to questions heretofore asked by the contestee that he is not familiar and does not now recollect who was on the various tickets in the year 1896, and for the further reason that it is apparent to the counsel for contestant and must be apparent to this court, that this question and the other questions asked this witness on the cross-examination by the contestee's counsel, is asked solely for the purpose and with the intention of delaying of the examination of the other witnesses summoned here by the contestant.)

A. Well, I do not recollect all of them; I remember some.

Q. Who constituted your candidate in 1896 for governor, and who was your candidate for lieutenant-governor? I ask you if you do not know that Guthrie was your candidate for governor and Oliver H. Dockery, now the contestant, the candidate for lieutenant-governor?—A. Guthrie was for governor and Dockery lieutenant-governor.

Q. Do you not know as a fact that Dockery, in the year 1896, was not on the ticket with Russell?—A. Of course he was not.

Q. Dockery was not on the Democratic ticket, was he?—A. No; he was not; it don't look like he should be.

Q. A few minutes ago you stated that Dockery was a Fusionist in the year 1896. Will you please explain how he could be a Fusionist if he ran for lieutenant-governor on one ticket when there were three tickets in the field, to wit, Democratic, Republican, and Populist?

(Question objected to because it was asked for the purpose of confusing the witness, and for the purpose of consuming time.)

A. A great many times you are one thing at heart, and other parties forces him to be on another ticket.

Q. What do you mean in the latter part of your reply to the last question, in which you state other parties forces him to be on the ticket?

(Question objected to for the reason that it was asked for the purpose of trying to confuse the witness.)

A. I don't propose to explain that.

Q. Mr. Cole, is it not a fact that at the Republican convention held in 1896 Colonel Dockery was a candidate for governor before that body?—A. I don't remember.

Q. Do you not know as a fact that Colonel Dockery claimed that Hon. Daniel L. Russell, the present Republican governor of this State, cheated him out of the nomination for governor on the Republican ticket in the year 1896?—A. I don't know anything about that.

Q. On your direct examination you stated that the precinct at Old Hundred was surrounded by "red shirts;" will you be kind enough to state what you mean by the word surrounded?—A. Well, I just simply mean that it was surrounded by the people that had the red shirts on at the voting place.

Q. What do you mean by the word surrounded?—A. I mean they were all around the place where the voting was going on; they did not come there and vote and go off; they stayed there until the polls were closed; then they marched up and down the railroad; then a band of them went in and had their pictures taken with their pistols in their hands.

Q. Did you have a pistol in your pocket that day?—A. I did not; I would, though, if I had gone to the polls to vote; I would have expected to have been tackled. I stayed away on the account—doing something that I did not want to do.

Q. The day you came down to Laurinburg some time before the election, did you not have a pistol with you on that day?—A. I don't know anything about that day.

Q. Why is it you don't know anything about that day?—A. I don't propose to answer that; you can answer that if you want to.

Q. How many people voted the Republican and how many people the Populist ticket on the day of election at Old Hundred?—A. I don't know.

Q. Have you any idea?—A. I suppose about one-third of the Populists and Republicans voted. One of them got a right decent thrashing there on that day for voting the Republican ticket, and I think that stopped the balance from voting.

Q. About how many represented the Populist and Republican vote in that precinct?—A. I think there was about 100 Populists and Republicans.

Q. How much of your time did you spend at the polls that day?—A. Well, I don't know exactly; I was around there pretty much all day; not right at the polls, but I was about there.

Q. Did you see the Bob Stagner difficulty?—A. Yes.

Q. How close were you to the difficulty at the time it occurred?—A. Stagner passed right by me when they were after him.

Q. Please answer my question; how close were you to the place where the difficulty first started?—A. I suppose I was about 75 yards.

Q. Did you and others go before the grand jury on this matter?—A. We went before the grand jury.

Q. Is it not a fact that the grand jury returned not a true bill?

(Question objected to because he is asking about a matter of record.)

A. I don't know whether they did or not.

Q. When was it you went before the grand jury?—A. I went before the grand jury the first court after the election.

Q. About how long after the election was it that you went before the grand jury? Did you not go before the grand jury within thirty days after the election?—A. I went before the grand jury the week of the election.

Q. State the names of those who were indicted—as many of them as you can remember.—A. Thad Madlin, Frank Duncan, Steve Carter, and two Gibsons, and others.

Q. Have any of those defendants been tried for that offense?—A. I don't know; I don't think they (the grand jury) found a true bill.

Q. You did not have any fusses the day of election, did you, Mr. Cole?—A. No; I did not.

Q. Please state to the notaries how many fusses you saw at the polls on day of election.—A. Only one.

Q. Please give me the names of those electors who voted prior to 11 o'clock in the morning.—A. I don't know anything about that.

Q. Please state how many electors voted after 11 o'clock in the morning.—A. I don't know.

Q. When were the greater number of votes cast for either party, before or after 11 o'clock in the morning?—A. I don't know.

Q. How many Populists and Republicans offered to vote on that day and the privilege was refused them?—A. I don't know that.

Q. Will you swear that a single solitary elector tendered his vote on that day and the judges of election or any other person refused it to be cast?—A. I don't know anything about that.

Q. About how many Populists and Republicans have you talked to about this matter since the day of election?—A. Well, all the talking I done was there that day. They told me the reason I did not vote and asked if I was going out to vote, and I told them I was not.

Q. How many Populists and Republicans did you talk to before the election?—A. I don't know; I can't say about that.

Q. Did you talk to many?—A. No; I did not talk to many.

Q. When did you first decide you would not vote?—A. I decided that that morning.

Q. Mr. Cole, was there any party understanding that at any places in the lower end of the county that the Populists and Republicans should not vote?—A. All the understanding I heard was that the Democrats was not going to let the Republicans and Populists vote at Lower Williamson.

Q. How many Populists and Republicans went to the polls on day of election and left without voting?—A. Oh, there was a good many of them; I don't know the exact number.

Q. Please call the name or names of three men or more, or less than three, who you will swear went to the polls and did not vote, or stayed away from the polls on account of fear?—A. John W. Woodard, D. H. Woodard. I could give you more; Daniel Butler and several others, I do not know who.

Q. In your direct examination you stated that there were several reasons why you did not vote in the year 1898. I ask you if, as a matter of fact, the question of white supremacy was not an issue in the last campaign in North Carolina, and if you have not stated since the campaign opened, before and since the election, that you were a white man, and that that was one of the motives that induced you to stay away from the polls?

(Question objected to.)

A. No.

Q. What did you state with reference to that matter?—A. I don't remember making any statement about it.

Q. Wasn't you in favor of white supremacy?—A. I was.

Q. If you had voted the county ticket, how would you have voted?—A. I would have voted the Fusionist ticket straight through, Z. F. Long for clerk, J. M. Smith for sheriff, B. F. McGregor for register of deeds.

Q. Now, Mr. Cole, are there not negro magistrates, negro school committeemen, a negro on the county board of education in this county, appointed by and through the instrumentality of the gentlemen for whom you have just stated you would have voted.

(Question objected to.)

A. I don't know anything about that; there may have been some appointed.

Q. Did anybody bother you before the election, Mr. Cole?—A. No.

Q. Were any of your neighbors bothered?—A. There were some of them bothered by sending them the picture of a coffin with a man in it and a pistol beside him and the blood running out of the picture of his head. It looked like it was made with ink.

Q. You won't swear of your own knowledge that any Democrat sent it, will you?—A. No, I don't know who sent it.

Q. Prior to the election, of your own knowledge, what did you see in the neighborhood that was contrary to law?—A. I did not see anything that I knew was contrary to law.

Q. Please state of your own knowledge, not what you have heard, as to what was done prior to the election to bulldoze, terrorize, frighten, and intimidate the Republican and Populist voters?—A. I don't know but one thing. Mr. Bellamy came up there and told me that they were going to have the election if they had to carry it at the point of the bayonet, and I told Mr. Bellamy, "If I was going to vote for you I would not do it now," and he walked off and left me and said he reckoned if I would not vote for him there would be enough to elect him anyway.

Q. This conversation you had with Mr. Bellamy—no one else heard it?—A. I don't think there did.

Q. That did not scare you, did it?—A. No.

Redirect examination:

Q. Mr. Cole, don't you know it as a fact that for a short time before the election that mounted red shirts rode through portions of Williamson Township, and on some occasions guns and pistols were fired off, and at one or more places even cannons were fired off.

(Question objected to (1) because it is a leading question; (2) that there is in the

question to imply or charge that any guns or cannons were fired unlawfully or for an unlawful purpose.)

A. Yes.

Recross-examination:

Q. I ask you what do you mean by people riding around in the country with red shirts on?—A. What I saw was just a crowd went through with red shirts. It was in the daytime. They were going to a speaking. The cannon was fired at a Democratic speaking. I went out to where the speaking was and told them that ma was sick, and asked them not to shoot it any more, and they did not shoot it but one more time. I did not see any guns; I heard them. This did not terrify me nor deter me from voting.

Redirect:

Q. Did you ever see men dressed in red shirts riding over the country except just before elections?—A. No.

L. M. COLE.

Sworn to and subscribed before us this 27th day of February, 1899.

[SEAL.]
[SEAL.]

W. M. KELLY,
MANCY L. JOHN,
Notaries Public.

(The contestee objects to this testimony being signed by the witness without its being reread to him.

Contestant asks the witness if he desired to have the testimony read to him before signing, to which he replied he did not.)

J. A. MCGREGOR, being duly sworn, deposes and says:

Q. What is your age and where is your residence?—A. Age 27; live near Conclave.

Q. Were you the chairman of the board of registrars of lower Williamson precinct in the election of 1898?—A. Yes.

Q. Do you know of any intimidation practiced by the Democrats and Red Shirts in the campaign of 1898, either as individuals or as a party, before the election or on election day in any of the precincts in Richmond County. If so, state the nature of the intimidation, when and where it was practiced, and the manner in which it was practiced.

(Contestee objects to this question for the reason that in its form, as propounded by the counsel for the contestant, it leaves to witness for his decision question as to what constitutes intimidation, while, as a matter of law, the question as to what constitutes intimidation is a matter not for this witness to determine, for he has not qualified as an expert, but the conclusion is to be reached by what actually transpired.)

A. I decline to answer.

Q. For what reason do you decline to answer that question, Mr. McGregor?—A. Well, sir, from the manner and way that I was treated during the last campaign I feel that it would not be best for me personally to have anything to do with the controversy.

Cross-examination:

Q. Mr. McGregor, how long have you been living in Williamson Township?—A. Twenty-seven years.

Q. You are at peace with your neighbors, are you not?—A. I decline to answer.

Q. How many Populists are in your township, Mr. McGregor, as near as you can estimate?—A. I decline to answer.

Q. Can you give the name of any Populists or Republican in your township who, in the late campaign, suffered any bodily harm on account of his political conviction?—A. I decline to answer.

Q. You have never suffered any bodily harm on account of the fact that you are a Populist?—A. I decline to have anything to do with the controversy.

Q. You don't care, of course, who wins in this contest, in contemplation of the fact that Col. O. H. Dockery, contestant, in the year 1896, was a candidate for governor in the Republican convention, and after he had been defeated in that he joined in with the Populists and accepted the second place on the ticket, to wit, the office of lieutenant-governor, do you?—A. I decline to answer.

JOHN A. MCGREGOR.

Sworn to and subscribed before the undersigned notaries public this 27th day of February, 1899.

[SEAL.]
[SEAL.]

W. M. KELLY, Notary Public.
MANCY L. JOHN, Notary Public.

B. F. MCGREGOR, being duly sworn, deposes and says:

Q. What is your age and where is your residence?—A. I reside near Conclave, Williamson Township, this county; my age is 54 years.

Q. Were you the Fusion candidate for register of deeds in Richmond County in 1898?—A. I was.

Q. Do you know of any intimidation practiced by the Democrats or Red Shirts in the campaign of 1898, either as individuals or as a party, before the election, on election day, or since the election, in any of the precincts in Richmond County? If so, state the nature of the intimidation, when and where it was practiced, and the manner in which it was practiced.

(Contestee objects, on the grounds that what is intimidation is a question of law, and is not to be judged of by the witness; and, furthermore, that in so far as the question asked what took place after the election the same is irrelevant and certainly does not affect the election that was held before the act was committed.)

A. I decline to answer.

Q. For what reasons do you decline to answer?—A. Well, to avoid any trouble on that matter hereafter, I will give as a reason that before the late election I had to leave home for personal safety, and by giving evidence here before this court I might be subjected to the same indignities that I was then, and have to leave home again.

Cross-examination:

Q. Who told you to assign that reason for declining to answer questions?—A. No one at all, sir.

Q. With whom did you consult or confer as to whether you should answer questions here or not?—A. No one.

Q. Have you ever held any conference or consultation with regard to this examination with any of O. H. Dockery's attorneys or any of his political sympathizers? If so, state the nature of such consultation.—A. I have not.

Q. Well, when did you come to the conclusion that you would not answer any questions?—A. When I was subpoenaed to appear before this court.

Q. Have you sent any word, either written or spoken, to Oliver Dockery, his attorneys or henchmen, in regard to whether you should testify or not, or what you should do on this examination?—A. I have not.

Q. Did the attorneys of O. H. Dockery, who are present here to-day, or any other person, know that you were going to refuse to testify, when placed upon the stand, and before you were put upon the stand?—A. On my way here this morning I told my son that I was not going to testify, and that is all the one I told.

Q. What indignities is it you refer to as having been practiced upon you and that you are afraid of a repetition of?—A. I decline to tell.

Q. Has any threat been made to you of what might happen to you, in case you testified here to-day?—A. I decline to answer.

Q. Do you intend to make the impression that any threats have been made against you to be executed in the event you testified in this contest?—A. I decline to answer.

Q. For what reason do you decline to answer?—A. For the reason given in my first reply.

Q. You say you left home for your personal safety prior to the election; state when you left, where you went, and when you returned.—A. I decline to tell.

Q. How long were you gone from home on that trip?—A. I decline to tell.

Q. How long have you been back home?—A. I came back within a week after the election.

Q. Since your return home have you had any threats made against you? (Question objected to on the grounds that it is a repetition of a question that the witness has just refused to answer.)

A. I refuse to answer.

Q. You haven't been off since your return—you have not gone off the second time?—A. No.

Q. How long have you been living in Williamson Township, Mr. McGregor?—A. Fifty-four years, except three and one-half years I was in the army.

Q. How long have you been living in the neighborhood where you now live?—A. All my life.

Q. How many Populists were there in your precinct?—A. I decline to answer.

Q. You are a Populist, are you not, Mr. McGregor?—A. Yes.

Q. There were more Populists in the precinct than yourself, were there not?—A. Yes.

Q. Have you any idea how many Populists there were in the precinct outside of yourself, or do you know?—A. I decline to answer.

Q. Do you mean to say that you have no idea of the number?—A. I decline to answer.

Q. Why do you refuse to tell what you know about the number of Populists in that precinct? You tell that you yourself are a Populist and that there were other

Populists in the precinct.—A. I refuse to tell anything and don't want to tell anything that would bring me into this controversy.

Q. Is the number a political secret?—A. Not that I know of.

Q. In all the time that you have lived in Williamson Township have you ever suffered any personal injury at the hands of the Democrats? If so, what and when? (Question objected to for the reason that on the direct examination the witness refused to answer any questions relating to this election.)

A. I decline to answer.

Q. Do you intend to make the impression that you have suffered such injury?—A. I decline to answer.

Q. Can you name a single Populist who has suffered any injury on account of his politics at the hands of a Democrat or the Democratic Party?—A. I decline to answer.

Q. Are you a Scotchman?

(Question objected to by contestant on the grounds that witness is sufficient to answer that question.)

A. I am an American by birth and education.

Q. Do you ever claim to be a Scotchman?—A. Yes.

Q. Can it be possible that there is an American citizen, who sometimes claims to be a Scotchman, who refuses to testify when sworn as to occurrences within his knowledge for no better reason than that he is afraid of indignities which might possibly be offered?—A. I think I have given sufficient grounds for the course I have taken in this matter.

Q. Do you intend, for this cause, which you have taken to see Justice John H. McKinley, the candidate in this contest, or do you intend to do it to benefit O. H. Dockery, the contestant, or are you simply actuated by fear? A. I don't suppose I have anything to do with the controversy.

Q. Do you refuse to testify because you don't want to have anything to do with the election, or is it because you are just naturally too scared?—A. I refuse to testify because I don't want to be drawn into this controversy.

B. F. MCGREGOR.

Sworn to and subscribed before the undersigned notaries public this 27th day of February, 1899.

[SEAL.]

[SEAL.]

W. M. KELLY, Notary Public.

MAXCY L. JOHN, Notary Public.

W. H. COOPER, being duly sworn, deposes and says:

Q. Where do you reside, Mr. Cooper, and what is your age?—A. I reside in Laurinburg, and am 29 years of age.

Q. What is your politics?—A. I am a Republican.

Q. You have recently been appointed postmaster at this place by President McKinley, have you not?—A. I have not received any notice of the same.

Q. It is a fact that you have just been appointed and got notice through the papers and are expecting your notification, are you not?—A. I saw a notice of the nomination in the paper, and saw several congratulations from the Department at my residence.

Q. Were you not employed during the year 1898 as bookkeeper by one of the largest firms in this town?—A. I was.

Q. Why are you not there now?—A. I was told sometime before the election by an agent of Mr. McNair's, Mr. John D. Shaw by name, that Mr. McNair told him that he could not keep me another year, owing to my politics.

Q. Were you told by Mr. McNair that if you did not change your politics he would be compelled to discharge you; that his customers had demanded him to do so?—A. No, sir; not before the election.

Q. Did he so tell you after the election, and were you discharged?

(Question objected to for the reason that the action of Mr. McNair after the contest in this case had been settled at the polls could have no effect in changing the result of the election.)

A. Not in those words; I will explain. On Monday after the election I told Mr. McNair that I had been informed that he had said that he could not employ me another year, owing to the pressure brought to bear upon him owing to the action I had taken in the late election (by some of his customers).

Q. When were you employed by Mr. McNair, and did not Mr. McNair know at the time he employed you that you were and always had been a Republican?—A. I was employed by Mr. McNair about the 1st of January, 1898. I did not try to keep my political faith a secret. I do not know whether he knew my politics or not at the time that I was employed.

Q. Where were you on election day and prior thereto?—A. I was in Laurinburg and have been here since then.

Q. Were not the polls surrounded on election day by men wearing red shirts?—A. I saw a good many men with red shirts on at and around the polls.

Q. Did the municipal officers, or either of them, of the town of Laurinburg have on a red shirt on election day or just previous to the election?—A. Yes.

Q. Did not a general state of lawlessness exist in this town and community for some days prior to and on day of election?—A. Very often I could hear the discharge of firearms previous to the election, but not election day.

Q. On the evening and night previous to election, were not firearms discharged in and around the town, and even the cannon?—A. On the evening previous to the election, about 4 o'clock, I heard the cannon fired, and also a few shots fired after night from small arms; I do not know whether they were in or out of town.

Q. For what purpose, if you know, was this salute from the cannon in the afternoon before the election fired?—A. I was told that it was a signal for the merchants to close their stores by agreement at 4 o'clock.

Q. Was not the signal for the further purpose of notifying everybody that wore a red shirt to have it on?

(The contestee objects to this question for the reason that it is leading, and the same does not ask or purport to ask for a matter within the personal knowledge of the witness, but seeks to elicit evidence to which he can not testify personally upon his own knowledge, but from hearsay.)

A. I do not know.

Q. Do you not know that the chairman of the Republican executive committee was ordered out of the town of Laurinburg the Sunday week before the election, and instructed not to return until after the election, under pain of being summarily dealt with if he did return?

(The contestee objects to this interrogatory for the reason that it is leading, and therefore it is not competent for the contestant to propound a question in that form.)

A. Of my own knowledge, I do not.

Q. Is it not a notorious fact that it was generally known throughout the town and bragged about by the Democrats?

(The contestee objects to this question because it assumes that a state of facts exists which have not been proved to exist, and for the further reason that this witness, in the natural order of things, can not state a thing to be a notorious fact with the public unless he first states that he has gone around and ascertained, from the various individuals comprising the community, as to whether or not they were acquainted as to what took place at the time referred to in the question.)

A. I did hear it talked, the morning afterwards, by several parties, who said that it be best for Mr. Long to remain away from Laurinburg.

Q. Did not a crowd of Red Shirts go from here, and hereabout, to McMillan's mill on the night the Republican candidates were to speak there, for the purpose, and with the intention, of preventing them from speaking?

(The contestee objects to this question for the reason, first, that it is leading, and for the further reason that it seeks to obtain from the witness evidence to which he can not testify to of his own personal knowledge.)

A. I can not say where they went, neither can I give their reasons for going.

Q. On the evening that the Republican candidates were to speak at McMillan's mill, did not a large crowd leave here in that direction, and did not you notify Z. F. Long, by telephone, to be on the lookout, that things were liable to be bilious out there that night?—A. I saw several parties going that way, having heard that Z. F. Long was out there; I phoned to Rockingham to inquire if it was true; finding him in Rockingham, I told him what I had seen and heard.

Q. Did not a large number of Republicans fail to vote in precinct No. 1, Stewartsville Township, in the election of 1898?—A. Yes.

Q. Have any of these parties who failed to vote told you since the election, or on election day, that the reason they did not vote was because they were afraid to do so?

(The contestee objects to this question for the reason that its answer devolves upon hearsay testimony, and it has not been shown that any of said alleged voters are not within the jurisdiction of this district.)

A. Yes, several.

Q. How many Republicans voted at precinct No. 1, Stewartsville Township?—A. Six, I think.

Q. About how many was registered?—A. I do not know, and I do not like to say.

Q. Do you know about how many requested their names removed from the registration, because of fear or favor?—A. About 35.

Q. Do you know if this 35 were what taken their names off the first day, or whether it was 35 in all?—A. I do not know whether that was all that had their names erased or not.

Q. Did not the fear and terrorism produced by Red Shirts riding over this country, and the supposed whitecapping of negroes in the nighttime by them, prevent many colored voters from registering, and causing many of those who had registered to have their names erased from the registration books, and prevent numbers of them from coming to the polls on election day?

(The contestee objects to this question because the witness is asked to state not what he knows of his own personal knowledge, but his mere opinion, and because the question assumes that a condition of fear and terrorism prevailed among the voters when such a condition of affairs has not been proved to exist.)

A. Several voters told me that they had their names erased from the registration books for protection, and that they were afraid to vote; I can not say who frightened them.

Q. Is it not a notorious fact, so notorious as to be known by all men of this community, that a short time prior to the election of 1898, that negroes were whitecapped in and about the town of Laurinburg; and was not one Dudley by name shot and killed at his home in the nighttime in or near the town of Laurinburg; and did not these acts of violence become so frequent and fearful that D. L. Russell, governor of North Carolina, issued and published a proclamation commanding the people of North Carolina, and especially the people of the counties of Richmond and Robeson, to desist from further acts of violence?

(The contestee objects to this question, for the reason that it is leading in its character and is so complexed and verbose in its composition that no human mind can carry it all for one answer.)

A. One negro told me that he had been whipped by a crowd of men. It was the general report that one Dudley was killed in the night near Laurinburg. I heard of several other whippings, and this seemed to frighten the colored people very much. I saw Governor Russell's proclamation in one of the State papers.

Cross examination of Casper continued to to-morrow night's session.

Cross-examination resumed March 1:

Q. You say that you have seen a notice of your nomination to the office of postmaster. You based your application for this position, did you not, upon the indorsement of the Republicans of your county?—A. I did.

Q. Did you not fail to get this indorsement until after the Republicans of the county had indorsed a colored man named Evans, who failed to get the appointment?—A. I got part of the indorsement before.

Q. Did you not fail to get the nomination you speak of until this negro failed to get the appointment, and were you not told by some of the Republicans who you applied to for indorsement that the negro would be given the preference over you? (Question objected to.)

A. Yes.

Q. You say that Mr. John D. Shaw, an agent of Mr. McNair, told you that Mr. McNair could not give you employment another year, owing to your politics. Did Mr. Shaw tell you that he came to you as agent of Mr. McNair?—A. I understood it that way, but did not tell me that he was an agent.

Q. You say in answer to the question, "Did not a general state of lawlessness exist in this town for some days prior to and on the day of election?" that "Very often I could hear the discharge of firearms previous to the election, but not on election day." I ask you if it isn't a common thing to hear the discharge of firearms about this town every fall and winter?—A. I did, and that it is common to hear the discharge of firearms every fall and winter in and around town.

Q. You speak of hearing of Mr. Long being ordered out of town. Do you know why, or did you hear why?—A. I heard that he was not wanted here at time, because he was here for political reasons.

Q. You say in answer to the question, "Do you know about how many requested their names removed from the registration because from fear or favor," that the number was "about thirty-five." Do I understand you to swear that these men removed their names from the registration books from fear or favor?—A. I might be mistaken as to the number; several of them told me that they had their names removed from the registration books through fear.

Q. You say that you remained in town all day and voted. Was anyone prevented from voting here that day who asked to do so?—A. I do not know of anyone that was refused.

Q. Did you ever see a more peaceable and orderly election day?—A. It was very quiet, as it was a one-sided affair.

Q. What do you mean by one-sided affair?—A. That there were hardly any Republican and Populist votes cast.

Q. Were you treated even with rudeness that day?—A. I was not.

Q. You speak of some negroes being whipped and one being killed. Do you swear that either was done by Democrats?—A. I do not.

Q. Was Phil Dudley a politician, or unusually excited over politics?—A. I do not know, as I know but very little of him.

Q. Was he looked upon here as a leader in the Republican party?—A. I can not say that he was.

Q. Is it not a fact that a large number of negroes for the past several years have been indicted in this town for selling liquor, and that there has been bitter feelings on the part of certain negroes against the witnesses who testified against them?

(Question objected to, for the reason that it seeks to elicit testimony from this witness that is not within his personal knowledge.)

A. Several have been indicted. I do not know anything of the feeling between them.

Q. Don't you know that it was currently reported that one negro at least was shot by another about testifying in a liquor case, and that a negro was convicted for such shooting and put in the penitentiary?

(Question objected to, for the reason that he is asking the witness, and seeking to prove by him, matters of which there is a record if such things occurred.)

A. I have heard that that was the case; Horace Goodson and Will Raper was the ones. I heard that Horace was shot at another time, but I don't know who by.

Redirect:

Q. Did you not hear that the reason that Horace was shot was because he was a Democrat negro?—A. I did not hear that.

Q. Did not the crowd that surrounded the polls here on the morning of the election at the time you voted, and, in fact, during the entire day, have a very lawless and an intimidating appearance?

(Objections by contestee, for the reason that the question is incompetent, and seeks only to elicit what is the witness's opinion of what appears to be, and not the facts as they occurred, or the acts of the people, so the law can pass upon the question of lawlessness.)

A. They looked like they meant to carry the election.

Q. Did you not believe then, and do you not believe now, and is it not the generally accepted opinion of all the Republicans in this section of the country, that if they had offered to vote here that day that violence would have been resorted to by the Democrats?

(Objections.)

A. I do not think it would have been safe, and several of the Republican voters told me that they were afraid to vote.

Q. Is it not a fact that about the time Dudley was killed, and before that, the Democrats bragged about how much good the whippings of darkies had done; that not even any were seen after dark?

(Objections.)

A. I heard some say that the whippings was good for the Democratic—for the Democratic party—and the negroes was scarce on the streets after dark.

W. H. COOPER.

Sworn to and subscribed before the undersigned notaries public this 1st day of March, 1899.

[SEAL.]

[SEAL.]

W. M. KELLY, *Notary Public*.

MAXCY L. JOHN, *Notary Public*.

NATHAN GIBSON, being duly sworn, deposes and says:

Q. What is your age and where is your residence?—A. My age is 63; residence, Laurel Hill Township.

Q. Were you at the election in Lower Laurel Hill precinct in the year 1898?—A. I was.

Q. Were the polls at that precinct surrounded by Red Shirts on the day of the election?—A. No, sir; I don't consider it was surrounded; there was Red Shirts there.

Q. Were the Red Shirts on the election grounds at that precinct, and were they in and about the polls during the time the ballot was being taken?—A. There was Red Shirts on the ground, but they was not in the way of the voting. I did not vote the ticket that the Red Shirts voted. I was not bothered with no man with a red shirt on.

Q. Mr. Gibson, was it not a notorious fact—and so notorious as to be known by all men in this section of Richmond County—that for a short time preceding the last election that men were riding over this country, dressed in red shirts, in the day and night time; and that negroes were whipped or whitedapped in different sections of the country in the night time; and was not one negro, by the name of Dudley, shot and killed at his home, at or near the town of Laurinburg, in the night time, by unknown parties?

(Question objected to by contestee, for the reason that the same is leading, and for the further reason that it is not one question, but many combined, intended for the confusion of the witness. The contestee requests the witness to speak only as to matters that he has a personal knowledge of, and objects to the witness testifying

to any matter that he knows only by rumor or report, or to any matter that he can not swear of his own knowledge to have been done by Democrats and for partisan purposes. At this point contestant's counsel told the witness he could answer this question just as he pleased.)

A. I don't know it to be so; I have heard these rumors.

(At this point the contestant's counsel said to the witness, "Now state the rumors." Contestee's attorney insisting that all the remarks of counsel made during the examination of a witness, and in the presence of the witness, should be reported by the notaries; in reply to which the contestant's counsel said, "Lord God Almighty, we will speak when we get ready.")

The contestee objects to the statement made by the counsel for the contestant to the notaries that if they are going to continue to take down these statements of counsel, such as above, that he will adjourn and quit taking testimony.)

Cross-examined:

Q. You say that you have no knowledge of any such facts as were asked about in the last question above stated. Do you swear, of your own knowledge, that any of the facts asked about in said question, and which you say you heard rumored of having occurred, were committed in fact by Democrats and for partisan purposes, or with the intention of affecting the election?—A. I don't know that they was Democrats, but it was the Red Shirt crowd; of course, I don't suppose any other but Democrats were wearing red shirts, but I don't say that they were Democrats.

Q. Will you swear that one negro, by the name of Dndley, was shot and killed at his home near Laurinburg in the night time by Democrats?—A. I will not.

Q. You say that there were Red Shirts about the polls in your precinct. Do you swear that they took any greater part in the election that day than anyone else who did not wear a red shirt?—A. Well, there was but few there but what had red shirts on.

Q. Did these men with red shirts on take any greater part in the election that day than those who did not wear red shirts?—A. Well, I can't say that they did.

Q. I ask you if it is not a fact that the election in your precinct was held without any disorderly conduct and quietly as elections are usually held?—A. So far as I know.

Q. I ask you if there was a single man, who asked to vote, prevented from doing so on that day?—A. Not that I know of.

Q. You say that there were Red Shirts about the polls. Is it not a fact that they were as orderly and well-behaved as any men who did not have the red shirt on?—A. While I was there they were.

Q. Were you not personally acquainted with the most of the men who wore red shirts there that day?—A. I was with a good portion of them.

Q. I ask you if these men who wore the red shirts that day are not men of good character, good citizens, and in many instances members of the church and in good standing in their church?—A. Mixed.

Q. What do you mean by mixed?—A. Some is good citizens as we have in our country, some is low-down material as our country affords.

Q. Are there not good and bad in all political parties?—A. I suppose there is.

Q. You say you voted that day. Please state what ticket you voted?—A. I voted a Fusion ticket, as far as I voted the ticket all.

Q. Did you fail to vote any part of the ticket; and if so, what part did you fail to vote?—A. I failed to vote the sorry part.

Q. Who were the candidates on the sorry part that you failed to vote for?—A. Those, I suppose, that was off in the woods and swamps somewhere, and did not come to attend to their part of the business.

Q. Name the candidates you failed to vote for.—A. I do not propose doing that.

Q. Why do you refuse?—A. For one simple reason: That the party was scared out—did not attend to their business.

Q. And you would not vote for a man that would get scared when you wasn't scared?—A. I saw that there was no use in voting them, when so many of the party failed to come to the polls on that day.

Q. Are you not in favor of white supremacy and opposed to putting negroes in office?

(Question objected to for the reason that it is foreign to the matter at issue.)

A. I am in favor of putting gentlemen—honest men.

Q. Are you in favor of white supremacy?—A. I am.

Q. Are you opposed to negroes holding office in North Carolina?

(Question objected to for the reason that such questions are asked for the purpose of consuming time.)

A. Well, where the negroes are alone I believe in their holding office—where they are alone and off to themselves.

Redirect examination:

Q. You stated in your direct examination that on election day there were few at the polls beside Red Shirts. Now, I ask you if the reason that they were not there

was because they were so terrorized just previous to the election by the henchmen of John D. Bellamy that they were afraid to appear on election day and offer to cast their ballots?

(Contestee objects to the foregoing question for the following: First, because it is leading; second, for the reason that it asked the witness to make a statement, not within his personal knowledge, as to what kept voters away, if, in fact, any were kept away, and because it has not been shown that those persons, if any, who remained away from the polls were not within the jurisdiction of this district; and for the still further reason that this question, propounded to the witness on his redirect examination, is not in response to any matter elicited on the cross-examination, and because it places the witness in the attitude of calling the supporters of Mr. Bellamy by the epithet of henchmen.)

A. I suppose they were.

Recross-examination:

Q. Give the names of the men you will swear were afraid to come to the polls on the day of election.—A. Well, I will swear nothing about it, though there was many that I know did not attend.

Q. Then you won't swear that any man whose name you can state stayed away from the polls on account of fright?—A. I propose not giving any names.

Q. Do you swear that there was a single man who, to your knowledge, stayed away from the polls on account of fright?—A. There was.

Q. Was he white or black?—A. White and black both.

Q. How do you know this?—A. I have got their words for it.

Q. When did they tell you?—A. The day before the election.

Q. Why do you refuse to state these names, if you know them?—A. That is my business.

(The contestee objects to the witness signing this statement of his evidence without having had the same read over to him.)

The witness being asked by contestant if he desired to have the testimony read over, said he did not; that he was satisfied it was correct.

N. T. GIBSON.

Sworn to and subscribed before the undersigned notaries public this 28th day of February, 1899.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public*.
MANCEY L. JOHN, *Notary Public*.

J. L. COOLEY, being duly sworn, deposes and says:

Q. What is your age and where is your residence?—A. I am about 55 years old; my residence is Spring Hill, Richmond County.

Q. Were you chairman of the board of registrars of Spring Hill Township in the election of 1898?—A. I refuse to answer.

Q. For what reasons do you refuse to answer that question?—A. I don't believe, sir, it's safe for me to answer them.

Q. Do you mean from this answer that you are not going to testify before this court in this case?—A. Yes; I do.

Q. Why do you think it would not be safe for you to testify in this case?—A. I have reasons; I believe it would not be safe for me to testify in this case.

Q. Were any threats made, Mr. Cooley, against your person or property during the campaign of 1898, and is that your reasons, or a part of your reasons, for now refusing to testify?

(Contestee objects to this question, for the reason that it is a leading question; for the reason that it suggests to the witness what sort of answer is wanted, and because the witness has already stated that he did not desire to testify.)

A. I decline to answer.

Cross-examination:

Q. Mr. Cooley, the election was held on the 8th day of last November. Please state to the notaries whether or not you have suffered any bodily injury before or since then.—A. I decline to answer.

JAS. L. COOLEY.

Sworn to and subscribed before the undersigned notaries public this 28th day of February, A. D. 1898.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public*.
MANCEY L. JOHN, *Notary Public*.

JESSE GRAHAM, being duly sworn, deposes and says:

Q. What is your age, and where do reside?—A. My age is 47; I reside at Laurinburg, N. C., Stewartsville Townshipp.

Q. At any time before the election and during the campaign of 1898, did a crowd of men go to your home in the nighttime and interfere with you and your family? If so, state as near as you can what was done and said by them on that occasion.

(The contestee objects to this question, that it is leading and incompetent, for the further reason that it is too general.

Counsel for contestant admits that this question is somewhat leading and would not be asked in the way it is but for the reason that witness is a colored man and does not possess intelligence enough to answer the question were it not in its present form.

The contestee insists that there is no excuse for asking the above question in such a leading form, for the reason that the law makes no especial provision for the asking of leading questions whatever be the intellectual capacity of the witness. The contestee further insists that if counsel for the contestant admits such a gross lack of intelligence on the part of the witness, his testimony should not be brought into this contest.)

A. On Monday night, on the 31st of October, 1898, a crowd of men went to my house about midnight, beating the door and window, and called me to come out. I waked up in a fright and run to the window and asked, "Who is that?" They said, "Come out, Jesse, come out;" I told them I wa'n't going out there; by that time they commenced beating the door and broke it down, and about fifteen or twenty guns was drawn on me in about 3 or 5 feet of me; I told them not to come in, and I ran back in my room; I did not have anything but a .32 pistol, and before they broke the door down some said, "Go ahead boys, he has not got but a .32 pistol," and when I saw they were coming in I give up; I didn't want all my family killed; they said they were not going to hurt me; only wanted to talk to me a little, and I asked them what for; said because I would not work for the Democrat party; they took me out about 100 yards from the signboard, and I begged them to not to let them hurt my boys; there was a crowd pulled my boys out of the loft, and one struck my son Jesse and cut a gash in his head, and carried both of my boys, Jesse and Henry, out to the signboard, and whipped them both with a buggy trace; one of them filled Jesse's mouth full of sand and held his nose, cut a deep gash in his side, and asked him what did he register for, and he said he was only 18 years old and had never been to the registering ground.

My son Henry is only 16 years old and knows nothing about elections, and my son Archie is only 14 years old; they pulled him out of the bed and he bit one of them and they struck him two licks; my daughter said they drew pistols and guns on her; then they turned around to me, if I had anything to do with the election; I told them I had nothing to do with it; that I was out of politics four years; that I had nothing to do with it; they said they would not ask me to come out, but would make me come out; seven or eight threw me down and stood on me, two or three on my head, and some hold of my feet, and beat me with a buggy trace, both hands, struck me eight times, but there did not but one lick hurt me; some man said that Jesse and his boys was good, and they believed what I said and stop them from whipping me; they made me raise up my hand and swear that I would come up to Laurinburg next day and get a list and go around and tell all the colored people not to vote; my boys was still laying on the ground; they would not allow them to get up; then they told us to get up and go home, and not to leave there, because they had someone watching us; and then they come back toward Laurinburg.

(Counsel for the contestee objects to that part of the witness's answer in which he testifies to what he does not know of his own knowledge and to what was said by parties taking no part in the occurrence related.)

Q. Did they whip your boys, Jesse?—A. Yes.

Q. Did you vote in the election of 1898?—A. No, sir.

Q. Why did you not vote?—A. I was afraid to go.

Cross-examination:

(At 6.15 o'clock an adjournment was taken until 7.45 o'clock p. m. for supper and the witness directed to return for cross examination at that time. Upon convening witness was not present. The contestee moves the notaries that the evidence given by Jesse Graham be stricken out for the reason that he did not appear for the cross-examination. To this the contestant objects, and insists that the notaries have no power to make such rulings.

The witness returned 2.30 o'clock p. m., March 2, 1899. His examination was resumed.)

Q. Do you know Truss Graham, John Williams, Edmund Wall, Aggie Dudley, Calvin Pipkin, Neill McLellan, Jack Stubbs, Easter Campbell, wife of Wm. Campbell, Rosa Shaw, wife of Murdock Shaw? And if you do, please state whether or not they are negroes.—A. Yes, they are negroes.

Q. What are the qualifications of an elector in North Carolina?—A. I do not understand you; I don't know the meaning of the word.

Q. What is an elector in North Carolina?—A. I don't know.

Q. Jesse, did you vote in the election of 1896?—A. Yes.

JESSE GRAHAM.

Sworn to and subscribed before the undersigned, notaries public, this 2d day of March, 1899.

[SEAL.]

[SEAL.]

W. M. KELLY, *Notary Public.*

MAXCY L. JOHN, *Notary Public.*

Upon concluding the taking of the foregoing deposition and others taken at Laurinburg by the undersigned notaries February 27 and 28, and March 1 and 2, 1899, witness in each case was asked if he wished to read notes, or have some read to him, which each declined, and therefore the notaries' notes have not been compared verbatim, which will explain any variations of verbiage in the two sets of notes.

[SEAL.]

[SEAL.]

W. M. KELLY, *Notary Public.*

MAXCY L. JOHN, *Notary Public.*

CALVIN PIPKINS, being duly sworn, deposes and says:

Q. What is your age, and where do you reside?—A. My age is 37, and I reside at Hasty.

Q. Were you one of the election officers at Hasty precinct in the last election?—A. I was.

Q. On Sunday night before the last election, did a crowd of men visit your house in the nighttime?

(Question objected to by counsel for the reason that same is leading, and while inadmissible for that reason at any time, is most especially so now in contemplation of the fact that counsel for the contestant just previous to commencing the examination of this witness took him off for a private talk.)

A. Yes, sir.

Q. On Tuesday morning before day, it being the morning of election day, did a large crowd of men dressed in red shirts come to your house. If so, just state what they said and done.—A. They did; a crowd, on Tuesday morning between 4 and 5 o'clock, came to my house, dressed in red shirts, and shot my house to pieces, and everything in it, mighty near it, and two of them came in, and one drawn his gun on my wife and threatened to blow her brains out, and I ran out of the house when they came and run under the house, and they shot me in the foot under the house, and I believe that is about all that taken place at my house. They shot me and shot up everything I had, and left my house about daylight.

Q. How far is your house from the voting place at Hasty?—A. About one mile.

Q. At any time before the last election was any demand made on you that you have your name erased from the registration books?

(Question objected to, as it is leading and takes for granted what the witness has not testified to, for the reason the witness has not shown that his name was on the registration book, and, furthermore, even if such were the case, it would prove nothing to invalidate this election, and for the further reason that the contestant has not assigned such facts, even if they existed, as the cause of the contest.)

A. There was.

Q. Did you have it erased?—A. I did not.

Q. Were you at Hasty on the day of the election?—A. Yes.

Q. Was the polls at that precinct surrounded by Red Shirts on election day?—

A. Yes.

Q. Did you vote?—A. No.

Q. Why did you not vote?—A. Because I was afraid to vote.

Q. Do not a large number of colored people live in Hasty precinct?—A. Yes.

Q. How many colored people voted at Hasty precinct in the election of 1898?—

A. Two.

Q. Why did you go to the election?—A. I was afraid not to go.

Cross-examination:

Q. To what race do you belong?—A. I belong to the negro race.

Q. What election are you talking about?—A. The election of 1898.

Q. What officers were to be elected in 1898?

(Question objected to; it is only for the purpose of confusing and misleading the witness.)

A. Well, clerk, sheriff, register of deeds, county commissioners, magistrates, county surveyors, and that is about as far as I can go.

Q. Don't you know they were electing judges, the governor, and the Lieutenant-governor at that election?—A. Yes.

Q. Don't you know that they were electing the secretary of state, the state treasurer, state auditor, Congressman, superintendent of public instruction, the commissioner of agriculture, and the superintendent of the penitentiary at that election?

(Question objected to for the reason that other than the election of a Congressman that it has nothing to do with this investigation, and is only for the purpose of showing the intelligence of this witness.)

A. Yes, sir.

Q. You swear to that?—A. Yes.

Q. Who were you going to vote for for superintendent of the penitentiary, if you had voted?

(Question objected to.)

A. I do not know, but if I had been going to vote I would have known, if it had been on the ticket.

Q. Didn't you see his name on the ticket, or didn't you see the ticket at all?—A. I didn't notice the name on the tickets in particular, but I seen the ticket, and I was afraid to vote, and so I did not take a note of the names.

Q. Did you read the ticket?—A. I did not, because I could not vote it, and it was not worth while to read it.

Q. Where were you raised?—A. I was raised in Marlboro County, S. C.; I was born in this State.

Q. When did you come to this county?—A. Three years ago last December.

Q. What did you come here for?—A. I came to live on a little place given me to live on by my grandfather, Peter Leggett.

Q. Have you ever been indicted?—A. Once in my life.

Q. What for?—A. Because I would not take my name off the registration book.

Q. Where were you indicted at?—A. In this State, Richmond County.

Q. What magistrate was it before?—A. B. F. McLean.

Q. When?—A. A few weeks after the election.

Q. What did he do with you, Calvin?—A. Put me under bond for my appearance to the May court, at Wilmington.

Q. Did I understand you to swear that you were indicted because you would not take your name off the registration book and on the trial before B. F. McLean you were bound under a bond for your appearance at the May court in Wilmington?—

A. Yes. Why I say so, I were told by Mr. Dan Monroe that if I did not take my name off the registration book, I would be indicted for retailing whisky after the election, for he heard some men say that if I voted they would report me, and he thought that I had better not vote, and I told him that that was all the right I had, to cast my vote, but if it was unlawful for me to vote, I would not vote.

(Contestee objects to witness telling anything that he was told.)

Q. Then the reason you didn't vote was because you were afraid of being indicted?—A. No, sir; I told him not that; I did not have anything to do with that at all, but if I would be indicted and witness found against me that would swear on their oaths that I was guilty, I would go to jail if sentenced there and stay until I was as mossy as a coater before I would take my name off the book, because I thought I had a right to keep my name on the book, and if he could bring any charges against me, why my name should not be on the book, I would agree that my name should come off, and without that I would keep it on, and he says that he didn't have anything against me nor know any misdemeanor of me, and I told him that from my raising I lived fair and square with white and colored, and asked him then did he know anything that would disfigure me or my abilities or character whereby my name should come off the book, and if so, Saturday was the testing day, to bring it forth, and he said he did not.

Q. Have you told all about that; if not, tell it all?—A. There is not any more worth telling.

Q. How many men swore against you at the trial before Mr. McLean?—A. Two.

Q. Who were they and were they white or colored?—A. A fellow by the name of Rich. Bethol and Will Johnson, both colored.

Q. Were they Republicans?—A. I do not know, but I don't think they were, because one was a boy.

Q. Don't you know both of them were more than 21 years old, Calvin, and both of them were registered?—A. I do not; if they are 21 years old they don't show it, but I did not know anything about them till they met me on trial.

Q. Don't you know that neither Bethol or Johnson voted in the election?—A. I do not.

Q. So that you say you were indicted because you would not take your name off the registration books, and no witnesses were against you but these two colored men?—A. Yes.

Q. Is not Mr. McLean, the officer who tried you, a Republican, and been representing Col. O. H. Dockery, the contestant, as attorney at Maxton, in this contest?—A. Yes, sir; I do, but Mr. McLean never reported me nor made any threats at me about it on account of the election.

Q. Of course you know that we were not voting at the last election for President, do you not?—A. Yes.

Q. You also know that we did not vote for Vice-President, United States Senator, member of the House of Representatives of the United States, United States Treasurer, and the Postmaster-General at the last election, do you not?—A. I do not.

Q. What do you mean by that?—A. I mean I do not know, because I could not vote what other people voted for.

Q. Don't you know that we did not have to elect these officers at the last election?—A. I did know it, but when the election came what I knew about it was shot out of my mind on the election morning.

Q. Still even before this thing was shot out of your mind you had not expected to vote for anyone for these offices you say were not to be filled at the last election, had you?—A. No; not at that election.

Q. You say that on Tuesday morning before day, it being election day, a crowd of men came to your house with red shirts on, shot your house to pieces and everything in it, and came in and drew the gun on your wife, and shot you in the foot while you were under the house, and after that you went to the polls because you were afraid to stay at home?—A. Yes; there was a crowd came to my house and shot it up and what was in it, and shot me in the foot while I was under the house; two of them rushed in the house with guns, and one threatened to shoot my wife's brains out; and I did go to the election because I was summoned to be poll holder and I was afraid not to go.

Q. Then you went to the election because you were afraid not to serve as a poll holder; that's what you are afraid of?—A. Yes, sir.

Q. Now, when you got to the election did you discharge your duties as a poll holder?—A. Yes, sir.

Q. Was anybody kept from voting that offered to vote there that day?—A. No, sir.

Q. You say there were two colored men that voted. What ticket did they vote?—A. Republican ticket.

Q. They had no trouble to vote, did they?—A. Not any serious trouble; but they were questioned some.

Q. Well, what was the behavior of the crowd around the election?—A. Generally, everything was quiet.

Q. What was said to you about demanding that you should take your name off the registration book?—A. Well, I was told that if I did not take it off I would have trouble after the election.

Q. What kind of trouble were you threatened with?—A. Being reported for retailing liquor in the State of North Carolina without license.

Q. Were any other threats made against you besides reporting you?—A. No.

Q. So that is what you were afraid of when you say you were afraid?—A. No, sir; I had done been shot and was afraid I would get killed, but I wanted to fulfill the law as far as it was put upon me to do—if I could.

Q. Don't you know that the crowd you speak of having gone to your house and shooting you in the foot were after you because you had made yourself a nuisance and were injuring the community by your illegal sales of liquor?—A. I do not.

Q. What did you say they were after you for?—A. They never said they were after me at all.

Q. How did they happen to shoot you in the foot instead of in the head?—A. I don't know, sir.

Q. Were you not shot accidentally?—A. I could not testify to that.

Q. You don't know about that?—A. No, sir; all I know about it, I was under the house when I got shot.

Q. Where was your wife when you say these people were shooting at your house?—A. She was lying on the bed, until the balls commenced hitting the cover, then she jumped up and ran in the kitchen.

Q. You say your wife was threatened. What was she threatened about, she could not vote, could she?—A. They asked her were Lawrence Hines there, and she said she didn't know; she had not seen him, and they told her if she did not tell them that they would blow her brains out.

Q. Was there any thing else said by these people to your wife; if so, tell it?—A. They asked where I was, and she did not tell them; the two that were in the house walked out and fired their guns, and told her to come out there and get that damned nigger that they had killed in the yard.

Q. I ask you if that crowd did not go to your house for liquor, and if they were not cutting up because you would not let them have it?—A. No, sir; they had not been coming there for no liquor.

Q. Did they not ask for liquor there that night?—A. They did not.

Q. Were you in the crowd that assembled at a schoolhouse near Hasty, some of whom had guns, to have a Republican meeting during the campaign of 1898?—A. I don't know anything about it; I never saw any speaking.

Q. Didn't you go to hear Mr. Cox speak the night he went down to Hasty?—A. Yes, sir; I went out there.

Q. Did not some of the colored people who attended that speaking have guns?—A. I did not see any gun at all.

Q. Did you not understand that some of the colored people who attended that speaking carried guns to it?—A. I did not.

Q. Is it not a fact that meetings were held that were attended by the colored people, to which some of them carried guns?—A. There was not down there, because there was no other meeting down there after the night Mr. Cox was prevented from speaking.

Q. Do you pretend to say that Mr. Cox was prevented from speaking? Do you not know that he was told that no one wanted to prevent him from speaking; that they simply came there to hear him?—A. I never heard them tell him that.

Q. What did they tell him?—A. I heard them say he should not tell lies on the Democrats.

Q. He stopped speaking right there, did he not?—A. He had not commenced, and did not speak.

CALVIN PIPKIN.

Sworn to and subscribed before the undersigned notaries public, this 28th day of February, 1899.

[SEAL.]
[SEAL.]

W. M. KELLEY, *Notary Public.*
MAXCY L. JOHN, *Notary Public.*

JAS. P. McLEAN, being duly sworn, deposes and says:

Q. What is your age and where is your residence?—A. I am 50 years old, and Spring Hill Township is my residence.

Q. Were you a candidate on the Republican and Populist ticket in 1898 in Richmond County?—A. I was.

Q. Did you go to the election 1898?—A. I did not.

Q. Why did you not go?—A. I was advised by leading Democrats in my neighborhood that it would be unsafe for me to go.

Q. Can you give me the name or names of some of the Democrats who so advised you?—A. I don't recollect all of them; Squire William Johnson was the last one; that was on the eve of the election, and he told me that he had just had a conversation with Dr. Shaw, saying that he was uneasy as to my safety; that they considered it even unsafe for me to remain at home that night; that was the night before the election.

Q. Please state whether or not Dr. Shaw and William Johnson were candidates for any office, and whether or not they are now within the reach of subpoena, in this county.—A. William Johnson was a candidate for justice of the peace; Dr. Shaw was not a candidate for any office; and they live about 10 miles from here, in this county.

(The contestee objects to conversations he had with Dr. Shaw and William Johnson, when it is admitted that they live in this county and may be brought here to testify for themselves.)

Q. Is not Dr. Shaw and William Johnson two among the most prominent Democrats of Springhill Township?—A. They are.

Q. How long have you lived in Springhill Township, and have you attended all the elections held in that township for the past sixteen years?—A. I have lived there twenty-five years; it was Laurel Hill Township at first and then became Springhill Township; I have attended every election held in Springhill Township since its formation except the election of 1898.

Q. Did ever such a state of lawlessness and general bulldozing and terrorism ever exist in your community during any of the preceding campaigns within your recollection as that which existed just prior to the election of 1898?

(The contestee objects to this question for the following reasons: First, because it is leading; second, because the question assumes that it has been proved that a state of lawlessness, bulldozing, and terrorism existed in Springhill Township during the campaign of 1898, whereas in truth and in fact not a single witness has testified that such a condition did exist.)

A. There did not.

Q. Did not the fear and terrorism produced by the extraordinary and unprecedented conditions that existed in your community just prior to the election of 1898 prevent large numbers of Republican and Populist voters, both white and black, yourself among the number, from going to the polls and offering to cast your ballots in the election of 1898?

(Contestee objects to this question for the following reasons: First, because it is leading; second, because the question assumes that it has been proved that a state of lawlessness, bulldozing, and terrorism existed in Springhill township during the campaign of 1898; whereas, in truth and fact, not a single witness has testified that such a condition did exist.)

A. It did.

Cross-examination :

Q. You stated in your direct examination that Mr. Wm. Johnson, on the eve of the election, came to you and made the statement that after a conversation that he had had with Dr. Shaw he did not think it would be safe for you to go to the polls. Did you make such a statement in your direct examination?—A. I did.

Q. If that conversation had not taken place would you have gone to the polls and voted?—A. I don't think I would.

Q. Why not?—A. I had been told frequently before that by friends that it would not be safe for me to go.

Q. Give the names of the friends.—A. One of them was my own brother Will and the others I refuse to give.

Q. Name the balance of them.—A. Mr. R. E. Lee was one of them, Mrs. McLauchlin was one (Mrs. T. B. McLauchlin); my daughter Sallie was another. I know there was more than that, but I don't remember them. I do recollect that I got a message from my brother, Dr. McLean, to that effect.

Q. What do you mean by to that effect?—A. Not to go to the election.

Q. Do you undertake to tell these notaries that Dr. McLean did not want you to go to the polls because he thought you would receive some bodily violence, and I ask you if his reason was not that he did not want you to vote the Fusionist ticket?—A. The message I got from him was through my mother and, as stated to me by her, that there would be danger of my getting hurt if I went there.

Q. How long before the election was it that you received these admonitions about going to the polls?—A. It was in the last few days preceding the election; I don't recollect the exact day it was. It was not all at the same time; it was within a week. I was talked to so much during that time by negroes who were being driven from home through fear of violence, appealing to me for advice as to what to do concerning the election, that I don't recollect much about the time; for the main hand that I depended on to do the heavy work about the yard had to finish his work time enough to get to the woods before dark.

Q. Do I understand you to say, had it not been for these conversations which took place a week before the election you would have gone to the polls and voted?—A. I would.

Q. On your testimony in this case, do you propose to swear to what you know is the truth, or what you may know by hearsay, or what you may have heard?—A. I was actuated by both what I know and what I heard; and what I heard had more impression upon me than it otherwise would have had, only I had not forgotten that I was driven from this section of country in 1892 on account of my being a Republican and voting a Republican ticket.

Q. Please answer my last question; and when I ask you a question, please do me the courtesy to answer it without launching out on a stump speech?

(Question objected to for the reason that the purpose of this investigation does not depend upon whether or not the witness is courteous to Mr. Neal.)

A. I told you that a part of it was both, that I knew some of it, and was actuated by what I had heard.

Q. When a witness is on the stand, is he called upon to swear the truth about what he knows or about what somebody else knows not within the personal knowledge of the witness?—A. I'm not acquainted with the technical terms of the law, but I have noticed in oaths administered to witnesses that, if not the only form used, one frequently used was, the witness was sworn to make a statement according to the best of his knowledge, information, and belief.

Q. What oath was administered to you to-day, and do you not know as a fact that Notary Kelly did not say one word to you about information and belief when he swore you to-day?

(Question objected to.)

A. Yes, sir; the oath administered to me to-day was that I was to tell the truth without any other polish put to it, but I was asked by the counsel questions in reference to what I had heard, and answered them to the best of my ability, believing at the same time that I was telling nothing but the truth, because some of the greatest truths that I know were imparted to me by being told by others.

Q. Are you willing to take the notes of the notaries and risk finding any questions in which you have been asked to tell in your direct examination anything about what you had heard?

(Question objected to, for the reason it is asked for the purpose of confusing the witness.)

A. I don't recollect whether that question was asked me or not.

Q. If I ask you to state matters which are simply within your personal knowledge, will you answer my question?—A. Yes.

Q. Please state within your knowledge what violence you saw in the last campaign?—A. I saw no actual violence, although I heard some threatened, without its being told me; heard it from the parties that were making the threats.

Q. Who were the parties making the threats; against whom were they made, and when and where were they made?—A. They were made Saturday night before the election, about 200 yards from our house; were made to Louis Council by parties that I am afraid to inform on.

Q. Do you refuse to give the names of the parties making the threats?—A. I ask the court to not require me to give the names, as I am afraid.

Q. Do you refuse to answer that question?—A. I do.

Q. Do you not know Mr. McLean that if you refuse to give the names of these parties it leaves the contestee in a position in which he can not test the truth of your statement?—A. I know that, but I could not afford to sacrifice my own personal safety to his interest.

Q. You stated to me just now, without being called upon to do so, that you were driven from home in 1892 because you were a Republican; will you please state in what month that was?—A. About the last of November.

Q. Did you all have a peaceable and quiet election in Spring Hill in that month? (Question objected to for the reason that what transpired in 1892 has got nothing to do with the election of 1898.)

A. We did not; we did not have the armed mob there from South Carolina to keep the peace as we did in 1898.

Q. Were you a candidate in that election?—A. I was.

Q. Were you at the polls in 1898 at Spring Hill?—A. I was not.

Q. Did you not say to me on oath a few minutes ago, on oath, that you would answer questions within your personal knowledge?—A. I did; and when he put me a question that I could give him a direct answer to I answered to—I answered it.

Q. When you swear that there was an armed mob at Spring Hill on the day of election, 1898, is that within your personal knowledge?—A. When I get information from as reliable men as told me that there was an armed mob there, I know it was so.

Q. Will you swear of your own personal knowledge that there was an armed mob at Spring Hill on the day of election in 1898 at the polls?—A. I will not; nor I believe there was.

Q. Did you take any part in any row or disturbance at Spring Hill in 1898 on day of election?—A. I did, so far as trying to quell the row. I made an effort and did succeed, with the help of others, to quell the row.

Q. You were never charged or indicted for any offense growing out of that disturbance, were you; and was not your position in the matter, as just stated by you, so understood by those who were present?—A. I was not indicted, and my position in the matter was understood just as stated in the question.

Q. State what other fusses or disturbances you were engaged in during that campaign, if any at all.—A. None other.

Q. How long after the election was it that Melvin Livingston was killed?—A. It was a few days after.

Q. How long after Melvin Livingston was killed was it that you left home?—A. About two or three days.

Q. Was it not charged among some of Livingston's friends and relatives that you had had something to do either with inciting the act which resulted in the death of young Livingston or with giving aid and comfort to his slayer after the commission of the deed, and please state what charge was brought against you, not in the courts, but with Livingston's friends and relatives touching that affair?—A. Sometime after the young man was killed, I heard that I had been accused of being a party indirectly to the occurrence, and I went to see Peter H. Livingston and Hugh Livingston, his most prominent uncles, and asked them if it was so, and they said there was not one particle of truth in it.

Q. Who killed Melvin Livingston, and with whose gun was he killed?—A. Dunk McPhatter killed him; I don't know whose gun.

Q. Was it after you left home or before you left home that you went to Peter and Hugh Livingston?—A. It was after I came back.

Q. Is it not a fact that you left home at that time because you feared violence from the friends and relatives of Melvin Livingston?—A. I did not know what source the threats came from; they were embodied in letters I received, some of which were sent through the post-office at this place, and some which were not sent through the mails at all (signed by the "committee").

Q. Do you know who wrote those letters?—A. I do not.

Q. Was that occurrence the one to which you referred just now when you stated that you were driven from home in the year 1892?—A. Yes, sir.

Q. Did you have any trouble from the day of election in 1892 with anyone up to the time of Melvin Livingston's death?—A. I do not recollect that I did.

Q. In the foregoing series of questions propounded to you by me, have you given all the facts accounting for the reason why you left home and why you were forced to leave in the month of November in the year 1892?—A. I think I have.

Q. Now, Mr. McLean, you have stated to me that you had no furse or disagreement with any person during the campaign of 1892; that in the disturbance which took

place at the election in 1892 you acted as a peacemaker, and that such was recognized by your neighbors as the part you took in that affair; that after the election and up to the time of Melvin Livingston's death you had no furse or quarrel with any person; that the reason you left home after the death of Melvin Livingston was in consequence of your being afraid of certain people who had sent you anonymous letters; that you do not know who was the author of those letters. Those being the facts, as testified by you on oath, which you say caused you to leave home, I want you to explain to these notaries why it was in the first part of your examination, without being asked for it, you stated that you were driven from home in 1892 because you were a Republican?

(Question objected to.)

A. I stated to the notaries as to give a reason for being afraid on account of what I heard in 1898.

Q. Did you hear any threats or see any violence during the last election except Louis Council incident?—A. None personally.

Q. Did you during the last campaign, before or after, have any personal violence offered to you? If so, give the particulars.—A. I did not.

Q. Did any person come to you and make any threat? If so, state who it was.—A. There was none.

Q. What time of night was this threat made to Louis Council and who was present?—A. It was in the twilight; there was no one present except the persons making the threat.

Q. Did Louis know who it was?—A. He did; there was two of them; they told him that if he went to the election they would stop him, but if he would promise them he would not go and keep his promise that he might go on to work and they would see that he was not molested.

Q. How far were you from them?—A. I suppose I was about 40 yards, and about 200 yards from my house.

Q. What were you doing down there?—A. I was going on to the house and passed these parties near the forks of the roads; they were on one road and I was on the other.

Q. Did you attend any Republican meeting in the lower end of the county in 1898?—A. I did not.

Q. I understand you to say that you did not attend a single Republican meeting of any kind in the campaign of 1898, either in Spring Hill, Laurel Hill, Williamsons or Stewartsville townships?—A. I don't recollect of attending any.

JAS. P. McLEAN.

Sworn to and subscribed before the undersigned notaries public this 28th day of February, 1898.

[SEAL.]
[SEAL.]

W. M. KELLEY, *Notary Public.*
MAXCY L. JOHN, *Notary Public.*

TESTIMONY FOR CONTESTEE.

Notices to take depositions.

To OLIVER H. DOCKERY,
Contestant, Rockingham, N. C.:

You will take notice that I will proceed to take testimony in the above-entitled cause at Maxton, N. C., Robeson County, before A. D. McLean, notary public, at his office in said town, beginning at 10 o'clock a. m. on Tuesday, the 28th day of March, 1899, and continuing from day to day, if necessary. I will examine the following witness, namely: Frank Henderson, Maxton, N. C.

This the 20th day of March, 1899.

JOHN D. BELLAMY,
Per W. S. NORMENT,
A. W. McLEAN,
Attorneys.

Served March 24, 1899, by delivering a copy of the within to O. H. Dockery.

T. S. WRIGHT, *Sheriff*,
By J. E. YOUNG, *Deputy*.

To OLIVER H. DOCKERY,
Contestant, Rockingham, N. C.:

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Maxton, N. C., before A. D. McLean, notary public, at his office in said town, beginning at 10 o'clock a. m. on Tuesday, the 28th day of March, 1899, and continuing from day to day, if necessary. I will examine the following witnesses, namely: J. T. Webb, Wakulla, N. C.; Lawrence McGirt, Maxton, N. C.; Daniel Smith, Neill Smith, Henry McNeill, W. C. Wilks, Jim Graham, Wakulla, N. C.; W. F. Henderson, W. B. Harker, John Leach, A. J. McNair, Maxton, N. C.

This the 20th day of March, 1899.

JOHN D. BELLAMY,
Per W. S. NORMENT,
A. W. McLEAN,
Attorneys.

Served March 22, 1899, by delivering copy of the within to O. H. Dockery.

T. S. WRIGHT, *Sheriff*,
By J. E. YOUNG, *Deputy Sheriff*.

State of North Carolina, Robeson County, Sixth Congressional district, Oliver H. Dockery, contestant, v. John D. Bellamy, contestee.

Pursuant to the notices, the contestee, John D. Bellamy, being present by his counsel A. W. McLean, now proceeds to take depositions in the above-entitled cause, on the part of the contestee, before A. D. McLean, notary public named in the notice, at Maxton, N. C., on Tuesday, March 28, 1899, and the said contestee expressly reserves his objections and exceptions as heretofore made in the taking of testimony on the part of contestant, as will fully appear in the record of testimony heretofore taken by the contestant.

The contestant, Oliver H. Dockery, being present by his counsel, B. F. McLean, associates J. D. James, notary public, on the part of contestant, to sit with and take testimony with A. D. McLean, the notary public named in the notice.

The following witnesses were sworn and examined on the part of contestee, Jno. D. Bellamy:

A. J. MCNAIR, being duly sworn, deposes and says:

Q. Where do you now live, and where did you live on the day of election held on November 8, 1898?—A. Maxton, Robeson County, N. C.

Q. Were you in Maxton on said election day?—A. I was.

Q. Do you know of any elector in Maxton precinct who approached the polls or attempted to approach the polls for the purpose of voting and who was prevented in any way from doing so?—A. I do not.

Q. Was not the said election in Maxton precinct, so far as you know, conducted fairly, openly, and honestly?—A. It was.

Q. Do you know of any intimidation practiced at said election?—A. I do not.

Q. Was there a political club existing in Maxton prior to the last election known as the "White Government Union;" and if so, were you a member of this club, and did you attend its meetings?—A. There was such a club; I was a member, and I attended its meetings.

Q. State what was the purpose and object of this club.—A. To encourage the success of the party which it represented.

Q. Was it not open to all, and were not its meetings conducted openly?—A. It was.

Q. Something has been said by witnesses for contestant about a uniform worn by some members of this club. State what that uniform was.—A. It was a red shirt.

Q. Did you wear that uniform?—A. I did.

Q. Was not this uniform a uniform of the political club, worn at pleasure, and for no unlawful purpose?—A. It was simply the badge of the club we represented.

Q. State as near as you can the area of your precinct.—A. The exact lines I can not give.

Q. Was it not a fact that J. P. Smith, a partisan supporter of O. H. Dockery, while at the polls on the day of the last election, interfered with and prevented one Fortune McLaughlin, a colored voter, from depositing the ballot he desired to vote at said election?—A. I gave Fortune McLaughlin the tickets that he told me he wanted to vote, which was the Democratic ticket. I went to the polls with him and he had them in his hand. This voter told me that he didn't vote the tickets I gave him.

Q. Were you present at and near the voting place during most of the day of the said election?—A. I was.

Q. How long have you been a resident of this precinct?—A. Ten or eleven years.

Q. Did not citizens who had in previous elections affiliated with the Populist party belong to the political club of which you were a member?—A. They did.

Q. Did not citizens who had in previous elections affiliated with the Republican party belong to the political club of which you were a member?—A. I don't remember of any "straight-out" Republicans.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. You said you were in Maxton on the day of election. Were you there during the week next preceding the election?—A. I was.

Q. You stated that you did not know of any elector in Maxton precinct who approached the polls or attempted to approach the polls who was prevented in any way from doing so. Do you not know that a man by the name of Rogers from South Carolina stood near the polls with a book in his hand and took down the names of each colored voter as he was proceeding from the polls and notified him that "We will see you later?"—A. I saw Mr. Rogers there, but did not hear him say that, and I did not know that he took down the name of every voter.

Q. Did you not know that this Mr. Rogers from South Carolina was taking the names of colored voters?

(Counsel for contestee objects to the question as incompetent and irrelevant.)

A. I didn't know Mr. Rogers's business there at all.

Q. Was there not shooting done in and near Maxton for several nights just preceding the said election held in November, 1898, for the purpose of intimidating voters?—A. I don't know.

Q. Was there not an unusual amount of shooting done in this vicinity for several nights just preceding the election held in November, 1898?—A. There was.

(Question and answer objected to as incompetent and irrelevant by counsel for contestee.)

Q. Were not Winchester rifles or rifles of some kind procured by some of the members of the political club of which you say you were a member just prior to the election held in November, 1898?

(Counsel for contestee objects to the question as incompetent and irrelevant.)

A. I knew nothing about the purchase of any guns at all prior to the election.

Q. Did not a number of the members of this club have in their possession such guns, just prior to said election, as were asked about in the previous question?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. They did.

Q. Was it not decided in the deliberations of this club that its members, so far as they could conveniently do so, and so far as their inclinations so inclined, should arm themselves with these guns?

(Objected to as incompetent and irrelevant and absurd in the form in which it is asked.)

A. There was no such deliberation when I was present.

Q. Why did the members, or so many of them as did, of this political club of which you speak, known as the "White Government Union," of which you say you were a member, come armed with these guns just prior to the election held in November, 1898?

(Counsel for contestee objects to the question as incompetent and irrelevant, and for the further reason that the witness has stated no such facts as appear in the above question.)

A. I do not know; I did not state that the members of this club "became armed" just prior to the election.

Q. Did you not see several new Winchester rifles in the possession of members of this political club, known as the "White Government Union," of which you say you were a member, just prior to the election held in November, 1898?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. I saw some old Winchesters and new ones here months before the last election; I saw some here last summer; I don't remember that I saw a single member of the club handling one just prior to the election.

Q. Were not guns and rifles carried to the meetings of your club, known as the "White Government Union," during the campaign preceding the election held in November, 1898?—A. I never saw a gun or a rifle in the meetings while I was present.

Q. Did you ever see any in the room where the club meeting was held?—A. I never did.

Q. In the interest of what political party was this club, known as the "White Government Union," organized?—A. The white man's party.

Q. What parties were represented in the election held for Congressman in the Sixth Congressional district in the election held in November, 1898?—A. The white man's party, the Republican and Populist parties.

Q. Who were the candidates for the different parties?

(Question objected to by counsel for contestee as useless repetition of a fact already admitted.)

A. Jno. D. Bellamy and Oliver H. Dockery.

Q. Of what party or parties was O. H. Dockery a candidate?—A. I really do not know.

Q. In your direct examination you stated that a uniform, consisting of a red shirt, was worn by members of the political club known as the "White Government Union," of which you stated that you were a member. Will you tell us where you first heard of a red shirt first being adopted as a uniform for a political club?

(Objected to by counsel for contestee as wholly irrelevant and incompetent.)

A. I have heard of Red Shirts in Scotland. The first time I ever heard of them was among the clans of Scotland.

Q. Why was a red shirt adopted as a uniform of the political club known as the "White Government Union," of which you say you were a member?—A. It was simply a badge of the party the club represented.

Q. Was there any conversation during the meetings of your club, known as the "White Government Union," of which you say you were a member, in regard to the adoption of the red-shirt uniform for said club?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. There was not while I was present, to my knowledge.

Q. Have you not heard for a number of years that the clubs in South Carolina who wished to intimidate the colored voters and keep them from the polls adopted as a uniform this same kind of a red shirt, which you say was adopted by your political club, one of which you say you wore?

(Objected to by counsel for contestee as wholly incompetent and irrelevant.)

A. I never heard such a thing.

Q. Did you ever hear anything said by any of the members of this political club, known as the "White Government Union," of which you say you were a member, about keeping negro voters from coming to the election which was held in November, 1898?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. It was never discussed by the members of the club when I was present.

Q. Did you ever hear any remark or remarks made by anyone in regard to keeping negro voters from the polls at the election held in November, 1898?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. There may have been some remarks as to swapping or changing ballots; nothing was said about using any violence.

Q. Did you not hear parties whom you knew to be members of the White Government Union make remarks about keeping negroes from the polls at the election held in November, 1898, either before the day of said election or on the day of election?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. I do not remember that I did.

Q. Do you know a negro by the name of Jim Campbell?—A. I don't know him.

Q. Did you hear anything about a negro by the name of Jim Campbell having his arm broken on the day of election in November, 1898, at Maxton, N. C.?—A. I heard that some negro got his arm broken at Maxton on the day of election; don't remember the name; afterwards heard it contradicted.

Q. Did you not hear that the reason he got his arm broken was because the Red Shirts attempted to stop him from going to the polls?—A. Never heard such a thing.

Q. Was there not a number of men clothed in this uniform of which you have before spoken as the uniform of the political club known as the White Government Union near the precinct or voting place in Maxton during the day on which the election was held in November, 1898?—A. They were there before the election, on the day of election, and after the election.

Q. Did you not see a number of members of the White Government Union, with red shirts on of the kind you have before described as the uniform of said club near the voting place in Maxton on the day of the election held in November, 1898, whom you had never seen with said uniform on on the streets of Maxton since the second day after said election?

(Objected to by counsel for contestee as irrelevant.)

A. I saw men wearing red shirts who were members of the club and men who were not members wearing them before and after the day of election.

Q. Did you not see men whom you knew to be members of the club wearing red shirts on the day of election held in November, 1898, of the particular pattern which was the badge of the White Government Union, as you have before stated, whom you have never seen with one of that same kind on since said day of election?—A. Yes.

Q. Did you see any men with this particular kind of a red shirt on, which you have described as the uniform of the White Government Union, making demonstrations of any kind toward any one during the day of the election held in November, 1898?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. I did not.

Q. Why was this unusual amount of shooting, which you have before testified to as having been carried on just before the election held in November, 1898?—A. I don't know; I lived back where the negroes were, and they did most of the shooting, and at all hours of the night.

Q. Have you not been informed that there was a regular movement to shoot into, at, and around the houses of negroes for some nights just preceding the election held in November, 1898?—A. I was never informed of anything of the kind.

Q. Did you ever hear anything of the kind?—A. I did not hear anything of the kind.

Q. Did you ever hear anyone say anything about anything of the kind?—A. I did not.

Q. Did you hear anything about the houses of any negroes having been shot into, at, and around just prior to the election held in November, 1898?—A. Yes.

(Question and answer objected to as hearsay and incompetent.)

Q. Give us the names of some of the negroes' houses in Maxton Township which you heard of as having been shot into, at, or around just prior to the election held in November, 1898?—A. I heard John Baker say that his house had been shot into, and next day I heard another negro contradict it. This is all that I heard of.

Q. Did you hear anything about Bob Adams's house?—A. I did not.

Q. Did you hear of anything having happened to or been done to Jordan McNair on the day of election in November, 1898, in the town of Maxton?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. I didn't hear that anything happened to him. I did hear that some little boys "guyed" him down on the railroad, but he came on and voted. He told me so himself.

Q. Did you not hear that he was met on the railroad in the town of Maxton by a party of men and boys clothed in red shirts, who assaulted and abused him and turned him back on his way to the polls?

(Objected to by counsel for contestee as incompetent.)

A. I heard nothing at all about the red shirts nor the men, nor that he was assaulted. He told me that he voted.

Q. You say that you saw Jordan McNair on the evening of the election held in November, 1898. Did he not tell you that he was met on his way to the polls and threatened and forced to turn from his course?

(Objected to by counsel for contestee as incompetent.)

A. No; he did not.

Q. Did you hear any shooting in the town of Maxton on the day of the election held in November, 1898?—A. I heard some shooting in the evening; it was said to be a negro, Ed. Campbell, shooting into a lady's house.

Q. Did you not see some parties chasing a man on Patterson street and down the

alley between Cottingham's and Enoch Burns's stores on the said day of election in November, 1898, said parties shooting as they went?

(Objected by counsel for contestee as incompetent.)

A. No; I did not.

Q. Did you see any other parties from South Carolina on the day of said election held in November, 1898, except the man Rogers you have heretofore referred to?—

A. I did.

Q. Where did you see them?—A. I saw them on the streets.

Q. Were they near and about the polling place?—A. I met them near Mr. Paul's or J. S. McKae's, on the streets.

Q. How far was this from the polling place?—A. It was the width of the street.

Q. What did they say was their business here on that day?—A. They did not tell me.

Q. Did you not know what it was?—A. I did not.

Q. Was it not understood that men from South Carolina were to be in Maxton on the day of the election held in November, 1898, to assist in carrying the precinct for the Democrats?—A. I was not so informed.

Q. Did you not so understand?—A. I did not.

Redirect examination by COUNSEL FOR CONTESTEE:

Q. You stated in your cross-examination that Mr. Rogers and one or two other parties from South Carolina were in Maxton on the day of election. Is it not a fact that Mr. Rogers has connections in Maxton and visits the town often?—A. Mr. Rogers has relatives here and I see him here very often.

A. J. McNAIR.

Sworn to and subscribed before us this the 28th day of March, 1899.

[SEAL.]
[SEAL.]

A. D. McLEAN,
J. D. JOWERS,
Notaries Public.

HENRY McNEIL, being duly sworn, deposes and says:

Q. In what voting precinct do you live in Robeson County?—A. Smith's Township, precinct No. 2.

Q. Were you present at the voting place in said precinct on the day of the election held in last November; and if so, in what capacity?—A. I was present and was one of the judges of election.

Q. Were not four out of the six judges of election in that precinct at said election "Fusionists"?—A. They were.

Q. Was said election held in your precinct conducted fairly, openly, and honestly?—A. It was.

Q. Do you know of any elector in your precinct who approached the polls or attempted to approach the polls for the purpose of casting his ballot at said election who was prevented in any way from doing so?—A. I do not.

Q. Was any elector in your precinct intimidated or prevented in any manner from voting at said election?—A. Yes; I know of two.

Q. State who they were, for what party they attempted to vote, and who intimidated them?—A. John Bateman and Will Bateman were the parties; they attempted to vote the Democratic ticket; their father, S. Z. Bateman, prevented them from voting.

Q. Did they not desire and attempt to vote for Jno. D. Bellamy for Congress?—A. As to Will Bateman, I will not be certain; John Bateman did.

Q. Was this S. Z. Bateman, whom you say prevented his sons from voting the Democratic ticket, the same S. Z. Bateman who was examined as a witness for contestant at Maxton some time ago?—A. He was.

Q. Do you know the general reputation of S. Z. Bateman in the neighborhood in which he lives?—A. I do.

Q. What is his general character in your neighborhood?—A. Good; since he has been in that neighborhood it has been good; where he came from I heard it was bad.

Q. How long has he been in your neighborhood?—A. About four years.

Q. Was this intimidation of two Democratic voters by S. Z. Bateman all that occurred in your precinct at the said election?—A. It was, so far as I know.

Q. Do you know of any Republican, Populist, or Fusionist who was prevented from voting in your precinct in the last election?—A. I do not.

Q. This man, S. Z. Bateman, a witness for contestant, swore that there was intimidation practiced in your precinct prior and up to the morning of the last election, caused by parties riding over the neighborhood and shooting and threatening voters. Was this true or not?—A. It was not true.

Q. Was there any intimidation of voters in your precinct or in your neighborhood at any time prior to the last election?—A. Not of my knowledge.

Q. If there had been intimidation of voters, caused by armed parties riding over your neighborhood shooting and threatening voters, would you not have known or heard of it?—A. I suppose I would.

Q. S. Z. Bateman, a witness for contestant, swore that Mac Galbraith, a colored voter in your precinct, was intimidated. Was this true?—A. It was not.

Q. Did Mac Galbraith vote as he chose on the day of election?—A. He did.

Q. What ticket did he vote?—A. He voted the Fusion ticket.

Q. This man S. Z. Bateman, who was one of the judges of election with you, swore when examined as a witness for contestant in this case that you threatened him two or three weeks before the election, and that you said that they were going to carry the election if they had to do it with shotguns and rifles, and that you had **owned** if he (Bateman) wouldn't be the first man shot. Were these statements true or not true?—A. They were not true.

Q. Did you threaten S. Z. Bateman or any other person?—A. I did not.

Q. Did S. Z. Bateman vote as he chose on the day of election?—A. He did, and every other person that came to the polls in my precinct.

Q. Did you hear of any intimidation being practiced by any Democrat in your precinct prior to or during the last election?—A. I did not.

Q. Do you not know most of the voters in your precinct?—A. I do.

Q. If there had been any intimidation of voters in your precinct would you not have heard of it?—A. I would.

Q. About how many votes are there in your precinct?—A. About 175.

Q. Do you and S. Z. Bateman live in the same voting precinct?—A. We do.

Q. About how far is it from your precinct to the eastern boundary of Robeson County?—A. About 45 miles.

Q. About how far is it from your precinct to the northern boundary of Robeson County?—A. About 17 or 18 miles.

Q. How far is it from your precinct to the southern boundary of Robeson County?—A. About 30 miles.

Q. Does not your precinct border on the western boundary of Robeson County?—A. It does.

Q. You stated that you knew most of the voters in your precinct. Do you not know that many of them who in previous elections affiliated with the Populist party announced their intention to refuse to vote the Fusion ticket because it was distasteful to them?—A. I do.

Q. Do you not know that many of these voted the Democratic ticket in the last election?—A. I do.

Q. Do you not know that many of the voters in your precinct who had previously affiliated with the Republican party announced their intention to refuse to support the Fusion ticket in the last election for the reason that it was not a Republican ticket?—A. I do.

Q. Do you not know that many of these voluntarily stayed away from the polls for that reason?—A. I do.

Q. Was there not a strong sentiment among the colored Republicans in your precinct to refuse to support the Fusion ticket because it did not represent true Republican principles?—A. There was.

Q. S. Z. Bateman, a witness for contestant, swore that there was promiscuous shooting at the residences of some colored voters in your precinct just prior to the last election. Was that true or not?—A. Not of my knowledge.

Q. Would you not have known it if it had occurred?—A. I think I would.

Q. Did you hear this witness, S. Z. Bateman, make any threats as to what he would do if his two sons voted the Democratic ticket; and if so, what were they?—A. I heard him make threats that if they voted the Democratic ticket they couldn't live with him.

Q. Did not these two sons so threatened fail to vote on the day of election?—A. They did fail to vote.

Q. Did either one of them tell you why he did not vote the Democratic ticket?—A. Jno. Bateman told me that he did not want to get into any fuss with his father, and for that reason he did not vote.

Q. Was there any display of guns or other weapons in your precinct just prior to the last election?—A. There was not.

Q. How long have you lived in the precinct in which you now reside?—A. All my life.

Q. How old are you?—A. Forty years old.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. To what political party do you belong?—A. I am a recent convert to the Democratic party. Formerly a Populist.

HENRY MCNEIL.

Sworn to and subscribed before us this the 28th of March, 1899.

[SEAL.]
[SEAL.]

A. D. McLEAN,
J. D. JOWERS,
Notaries Public.

W. C. WILKS, being duly sworn, deposes and says:

Q. In what voting precinct of Robeson County do you live?—A. Smiths Township, precinct No. 2.

Q. How long have you been a resident of said precinct?—A. About twenty-two years.

Q. Were you present at the voting place in said precinct during the day of the election held in November, 1898?—A. I was.

Q. Was said election held in your precinct conducted fairly, openly, and honestly?—A. It was.

Q. Do you know of any elector in your precinct who approached the polls or attempted to approach the polls for the purpose of casting his ballot at said election who was prevented in any way from doing so?—A. I do.

Q. Give the names of the electors who were prevented from voting, what ticket they attempted to vote, and who prevented them from voting.—A. John Bateman is the only one that I know of. He attempted to vote the Democratic ticket and was prevented by S. Z. Bateman, his father.

Q. Was not this S. Z. Bateman, who prevented his son from voting the Democratic ticket, the same S. Z. Bateman who was examined as a witness for contestant, and a Fusion judge of election in your precinct?—A. He was.

Q. Was any elector other than Jno. Bateman prevented in any way from voting at your precinct on the day of said election?—A. There was not that I know of.

Q. Did any Democrat or other person interfere with or prevent from voting any Fusion elector in your precinct at said election?—A. Did not.

Q. This man, S. Z. Bateman, a witness for contestant, swore that there was intimidation practiced in your precinct prior to and up to the morning of the last election, caused by parties riding over the neighborhood, shooting and threatening voters. Was this true?—A. It was not.

Q. Was there any intimidation of voters in your precinct or neighborhood at any time prior to the last election?—A. Not that I know of.

Q. Are you not acquainted with nearly all of the voters in your precinct?—A. I am.

Q. If there had been any intimidation of voters in your precinct, caused by armed parties riding over your neighborhood, shooting and threatening voters, would you not have known or heard of it?—A. I think I would.

Q. S. Z. Bateman, witness for contestant, swore that Mac Galbraith, a colored voter in your precinct, was intimidated. Was this true?—A. I never heard of it.

Q. Did Mac Galbraith vote as he chose on the day of election; and if so, what ticket did he vote?—A. He did vote as he chose, and voted the Fusion ticket.

Q. Did you hear of any intimidation practiced by anyone against any Fusion elector, white or colored, in your precinct or neighborhood prior to ordering the last election?—A. I did not.

Q. You stated that you knew nearly all of the voters in your precinct. If there had been any intimidation practiced would you not have heard of it?—A. I think I would.

Q. About how many registered voters are there in your precinct?—A. About 175.

Q. Do you and S. Z. Bateman live in the same voting precinct?—A. We do.

Q. You stated that you had been living in your precinct about twenty-two years, and that you knew nearly all the voters therein. Do you not know that many of them who in previous elections affiliated with the Populist party announced their intention to abandon said party because it was distasteful to them?—A. I do.

Q. Do you not know that many of these former Populists voted the Democratic ticket in the last election?—A. I do.

Q. Do you not know that many of the colored voters in your precinct who had previously affiliated with the Republican party announced their intention to refuse to support the Fusion ticket because it did not represent true Republican principles?—A. I do.

Q. Did not many of these colored voters voluntarily remain away from the polls for that reason?—A. They did.

Q. S. Z. Bateman, a witness for contestant, swore that there was promiscuous shooting at the residences of some colored voters in your precinct prior to the last election. Was this true?—A. I heard nothing of it.

Q. How old are you?—A. I am nearly 50 years old.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. What ticket did you vote in the election held in November, 1898?—A. Part Fusion; the other part Democrat.

Q. Who did you vote for for Congress at the election held in November, 1898?—A. I voted the Democratic for Congressman; don't remember his name.

Redirect examination by COUNSEL FOR CONTESTEE:

Q. After refreshing your recollection, do you know that Jno. D. Bellamy was the Democratic candidate for Congress for whom you voted at the last election?—A. I voted for Bellamy, I know.

W. C. WILKS.

Sworn to and subscribed before us this the 29th day of March, 1899.

[SEAL.]

A. D. McLEAN,

[SEAL.]

J. D. JOWERS,

Notaries Public.

LAWRENCE MCGIRT, being duly sworn, deposes and says:

Q. In what precinct of Robeson County did you reside at the last election held in November, 1898, and how long had you been a resident of said precinct?—A. I was a resident of Smiths Township, and had been all my life, except a few years I was out of the township.

Q. Were you present at the voting precinct in Smiths Township at the election held in November, 1898?—A. I was.

Q. Was the said election held in said precinct conducted fairly, openly, and honestly?—A. I think it was.

Q. Do you know of any elector in said precinct who approached the polls, or attempted to approach the polls, for the purpose of casting his ballot at said election who was prevented by violence or intimidation from doing so?—A. I do not.

Q. Was any elector in said precinct intimidated or prevented from voting as he chose on said day?—A. None that I know of.

Q. Do you know of any intimidation of voters that occurred in said precinct prior to or during the said election?—A. I do not.

Q. S. Z. Bateman, a witness for contestant, swore that there was intimidation practiced in your precinct prior to and up to the morning of said election, caused by parties riding over the neighborhood shooting and threatening voters. Was this true?—A. It was not true so far as I know.

Q. If such facts had existed, would you not have known of them?—A. I think I would.

Q. S. Z. Bateman, witness for contestant, swore that there was intimidation of voters in your precinct, caused by parties riding over the neighborhood shooting and threatening voters, and saying "That those who did not stay at home on election day or vote the Democratic ticket, would be without homes," and said Bateman further swore that the parties who did this intimidating and threatening were yourself (Lawrence McGirt), Jno. M. McNair, J. T. Webb, Will Brock, Edmunds, Jim Graham, Daniel Smith, and Neil Smith. Were these statements true?—A. They were not.

Q. Did you in any manner threaten any voter either prior to or during the election?—A. I did not.

Q. Do you not know that many colored voters in said precinct who had previously affiliated with the Republican party stated that they would not support the "Fusion" ticket?—A. I do.

Q. Do you not know that many of these colored voters voluntarily remained away from the polls on the day of the said election?—A. I don't know that I know of any who stayed away.

Q. Do you not know that many of the voters in your precinct who had previously affiliated with the Populist party voted the Democratic ticket in the last election?—A. I know of some.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. You stated in your direct examination that you had lived in Smiths Township all your life, prior to and during the last election held in November, 1898, except a few years which you were absent. State those few years.—A. I was absent about two years, 1894 and 1895; I lived in Richmond County; I was absent again nearly two years, part of 1896, 1897, 1898; I left in the fall of 1896 and came back in the summer of 1898; I was in South Carolina during this time.

Q. On your return in the summer of 1898, where and with whom did you reside?—A. With my brother, John McGirt, in Smiths Township, near Wakulla, Robeson County.

Q. In what voting precinct is Wakulla?—A. Smiths.

Q. Are there more voting precincts than one in Smiths?—A. There are.

Q. How are they designated?—A. No. 1 and No. 2.

Q. In which number was this that you resided with your brother after your return in the summer of 1898?—A. No. 2, I think.

Q. Were you a voter at the election held in November, 1898, at Smiths precinct No. 2?—A. I was not.

Q. You stated in your direct examination that you were present during the election held in said precinct in November, 1898. Were you an officer at said election?—A. I was not.

Q. What portion of the day on which said election was held were you at or near the said polling precinct?—A. I was there from about an hour by sun in the morning until about 3 o'clock in the evening.

Q. You being neither an elector nor an officer at said election in said precinct—Smiths, No. 2—why did you remain at and near the polling place in said precinct on the day of election from an hour by sun in the morning until about 3 o'clock in the evening?—A. I was there conversing with friends.

Q. Were you not taking a very active part in the way electors voted?—A. Not to any extent; I conversed with several; I didn't try to make anybody do my way or vote the Democratic ticket.

Q. Did you not insist on all voting the Democratic ticket?—A. No.

Q. Did you not endeavor to influence all the votes you could for the Democratic ticket?

(Objected to by counsel for contestee as irrelevant.)

A. Not further than to express my views.

Q. Was not the object of your remaining at and near the polls as aforesaid to influence as many votes as possible for the Democratic ticket?—A. Not altogether.

Q. Tell us what your object was in remaining at and near the polls as aforesaid on the day of the election held in November, 1898?—A. To see my friends.

Q. Did not the result of the election held on said day in November, 1898, have something to do with your remaining at and near the polling place in Smiths precinct No. 2 during so great a portion of that day?

(Objected to by counsel for contestee as irrelevant.)

A. No. I didn't even stay to see the result.

Q. Would you have remained at and near the polling place in said precinct for so great a portion of the day had you not felt a great interest in the election there being conducted?

(Objected to by counsel for contestee as immaterial and irrelevant.)

A. I suppose I would if I had chose to. I had a right to be there if I wanted to.

Q. Did you not choose to remain there on this particular day, for so great a portion of the day, on account of your particular desire for the success of the Democratic ticket in said election, held in November, 1898?

(Objected to by counsel for contestee as immaterial and irrelevant.)

A. Of course I had a desire for the success of the Democratic party. So far as my being influential, I don't know that I either was or could be.

Q. Did you ever hear of such an organization as the "White Government Union?"

(Objected to by counsel for contestee as immaterial and irrelevant.)

A. I have.

Q. Were you a member of said organization?—A. I was not a member of any particular club.

Q. What was the uniform adopted by White Government Union during the campaign prior to the election held in November, 1898?—A. I don't know.

Q. Do you not know that a particular kind of a red shirt was worn on certain occasions during the campaign prior to the election held in November, 1898; was worn by active members of the White Government Union?

(Objected to by counsel for contestee as immaterial and irrelevant.)

A. I do not know that a particular kind was worn.

Q. Did you not see red shirts worn in a conspicuous manner by men whom you knew to be Democrats during the campaign of the election of November, 1898, whom you had never seen wear such shirts before nor since the result of the said election was declared?

(Objected to by counsel for contestee as irrelevant.)

A. Yes; I saw men wear red shirts; I don't know that it was in a conspicuous manner, and I have seen men wear them since the election.

Q. What have you ever heard in regard to the use of red shirts in South and North Carolina during political campaigns as a means of intimidating colored voters?

(Counsel for contestee objects to the question as wholly incompetent and irrelevant.)

A. Nothing.

Q. You stated in your direct examination that there was no riding and shooting throughout your neighborhood just prior to the last election held in November,

1898. I want to ask you, Mr. McGirt, if you do not know that for three or four nights, to wit, Friday, Saturday, Sunday, and Monday nights just preceding the said election that there was in your neighborhood or precinct a very unusual amount of shooting?

(Objected to as incompetent and irrelevant.)

A. I do not; if there was, I didn't hear it.

Q. Did you hear any shooting on either of the nights mentioned in the last question, to wit, Friday, Saturday, Sunday, and Monday nights just preceding the election held in November, 1898?—A. I did.

Q. Did you hear any unusual amount of shooting on these particular nights from what you have been in the habit of hearing during the time you resided at the place where you resided on the day of the election held in November, 1898?

(Objected to by counsel for contestee as incompetent and immaterial and as too complex to admit of an intelligible answer.)

A. I did not.

Q. Did you shoot any yourself on those particular nights, to wit, Friday night, Saturday night, Sunday night, and Monday night; and if so, on what particular night or nights?—A. I did not.

Q. Did you see any firearms discharged on Wednesday night, Thursday night, Friday night, Saturday night, Sunday night, or Monday night just preceding the day of election held in November, 1898?

(Objected by counsel for contestee as immaterial and incompetent.)

A. I did not.

Q. You stated in your direct examination that many colored voters who had previously affiliated with the Republican party stayed away from the polls on the day of the election held in November, 1898, because they were dissatisfied with the Fusion ticket. How do you know this to be so?—A. I don't remember to have said that.

Q. You stated in your direct examination that many colored voters, who had in previous elections supported the Republican party, would not support the "Fusion" ticket at the election held in November, 1898, because they were dissatisfied with the ticket. How did you gain this information?—A. I said I knew some; they told me so themselves.

Q. Give me the names of the colored voters who had previously affiliated with the Republican party and refused to vote the Fusion ticket at the election held in November, 1898, because they were dissatisfied with the ticket.—A. Calvin McLean, Byron McLean, Alex. McLaughlin, Charley McLean. These are all I remember.

Q. Do you not know that it was the policy of the Democrats during the campaign preceding the election held in November, 1898, and on the day of said election, to keep as many colored voters from the polls as possible unless they agreed to vote the Democratic ticket?

(Objected to by counsel for contestee as incompetent.)

A. I do not.

Q. Did you not hear such discussion or talk among Democrats?

(Objected to as wholly incompetent and irrelevant.)

A. I think I heard some such talk.

(Answer objected to as hearsay and incompetent.)

L. L. MCGIRT.

Sworn to and subscribed before us this the 29th of March, 1899.

[SEAL.]

[SEAL.]

A. D. McLEAN,

J. D. JOWERS,

Notaries Public.

J. T. WEBB, being duly sworn, deposes and says:

Q. In what voting precinct in Robeson County do you now live, and how long have you been a resident of said precinct?—A. Smiths No. 2; I have resided there about eighteen or twenty years.

Q. Were you present at the voting place in said precinct at the election held in November, 1898?—A. I was.

Q. Was said election held at said precinct conducted fairly, openly, and honestly?—A. Yes; it was.

Q. Did any elector in your precinct approach the polls, or attempt to approach the polls, for the purpose of casting his ballot at said election who was prevented in any way from doing so?—A. I do not know of anything of the kind.

Q. Was not every elector who offered to vote in your precinct at said election allowed to do so without molestation or interference?—A. Yes.

Q. Was there any intimidation of voters in your precinct at any time prior to or during the said election?—A. There was none, so far as I know.

Q. S. Z. Bateman, a witness for contestant, swore that there was intimidation of colored voters caused by parties riding over the neighborhood, shooting and threatening voters. Was this true?—A. No; it was not true.

Q. S. Z. Bateman swore that you, J. S. Webb, together with Lawrence McGirt, John M. McNair, Will Brock, ——— Edwards, Jim Graham, Daniel Smith, and Neil Smith rode over your neighborhood prior to the election, shooting and threatening voters, and saying "that those who did not stay at home on the day of election or vote the Democratic ticket would be without homes." Were these statements true?—A. No; they were not true; I never heard of it before in my life.

Q. Did you at any time or in any manner shoot at or threaten any voter?—A. No; I never carried a gun at all.

Q. Do you know of any intimidation of voters or any threat made against voters by anyone?—A. No; I do not; I never heard of any.

Q. If there had been any such shooting and threatening voters in your neighborhood would you not have heard of it?—A. I think I would.

Q. S. Z. Bateman, witness for contestant, swore that Mac Galbraith, a colored voter in your precinct, was intimidated. Was this true?—A. No; not to my knowledge.

Q. Did Mac Galbraith vote in your precinct at said election?—A. I don't know whether he voted or not; he was there.

Q. You stated that you had been a resident of your precinct about eighteen years. Do you know nearly all the voters in your precinct?—A. I know nearly all the white ones.

Q. About how many voters are there in your precinct?—A. About one hundred and seventy.

Q. Do you not know that many of the voters in your precinct who had previously affiliated with the Populist party voted the Democratic ticket in the last election?—A. I know some of them did.

Cross-examined by COUNSEL FOR CONTSTANT:

Q. You say you have resided in Smiths precinct No. 2 for the last eighteen or twenty years. Have you during that time resided upon your own lands or as a tenant?—A. As a tenant, I reckon; I have been renting land all my life.

Q. On whose lands did you reside when you first moved to Smiths township, Robeson County?—A. Tom Purcell's.

Q. On whose lands did you next, in said township?—A. The widow Clarkie Purcell's.

Q. On whose lands in said Smiths Township did you next reside?—A. Jno. Leach's.

Q. On whose land in said Smiths Township did you next reside?—A. Lucius McRae's.

Q. On whose land in said township did you next reside?—A. Archie T. McCallum's.

Q. Where did you reside during the campaign just preceding the election held in November, 1898, and during the said election?—A. On A. T. McCallum's place.

Q. Is not A. T. McCallum, and was he not during the campaign just preceding and during the election held in November, 1898, a partisan supporter of the Democratic party?—A. Not to my knowledge.

Q. Did you not know A. T. McCallum, the man on whose place you say you resided during the campaign preceding the election held in November, 1898, and at the time of said election, to be a Democrat?

(Objected to by counsel for contestee as immaterial.)

A. Yes; I know he is a Democrat.

Q. Do you know where Mac Galbraith lives?—A. Yes; I do know where he lives.

Q. Were you at any time during the campaign preceding the election held in November, 1898, in company with Lawrence McGirt, Will Brock, Jno. M. McNair, James Graham, Daniel Smith, and Neil Smith?—A. No more than at any other time.

Q. Were you near Mac Galbraith's house at any time just prior to said election?—A. I was not.

Q. In your direct testimony you said that Mac Galbraith was not intimidated at the election held in your precinct in November, 1898. How do you know this to be so, you, as you say, having never been to his house?—A. Not according to my knowledge. I don't think a man had to go to another's house to find out if he was intimidated on election day.

Q. Did you hear anything during the campaign preceding the election held in November, 1898, about keeping colored voters from voting who would not agree to vote the Democratic ticket?

(Objected to as incompetent.)

A. No; I never heard of such a thing in my life, and it never happened there.

Q. Did you hear anywhere in Robeson County any remarks made by Democrats in regard to colored voters during the campaign preceding the election held in November, 1898, or on the day of said election?

(Objected to as wholly incompetent in the form in which it is propounded.)

A. I did not.

Q. What ticket did you vote at the last election?—A. I voted the Democratic ticket straight.

Q. Do you know what political party Mr. S. Z. Bateman voted for at the last election held in November, 1898?

(Objected to by counsel for contestee as immaterial.)

A. No; I do not.

Q. Is it not generally conceded in your neighborhood that Mr. Bateman is a Populist?—A. Yes.

Q. Are not you and Mr. S. Z. Bateman on bad terms?

(Objected to by counsel for contestee as immaterial and irrelevant.)

A. No; not particular.

Q. You are not friendly with S. Z. Bateman, are you?—A. No.

Q. How far do you live from the voting place in your precinct?—A. About 1½ miles.

Q. Was there during any night or nights just preceding the day of the election held in November, 1898, any unusual amount of shooting in your neighborhood or in your precinct?—A. Not that I am aware of.

Q. Did you hear any shooting on Wednesday, Thursday, Friday, Saturday, Sunday, or Monday nights preceding the election held in November, 1898?

(Objected to by counsel for contestee as immaterial and irrelevant.)

A. I did not.

Q. Did you not hear that there was discharges of guns or other firearms on the nights named in the last question, to wit, Wednesday, Thursday, Friday, Saturday, Sunday, or Monday preceding said election held in November, 1898, that was heard by citizens of your precinct and who afterwards told you of it?—A. I never heard of it before in my life.

Q. Do you pretend to say that you have never heard of any shooting or unusual discharge of firearms on any night just previous to the election held in November, 1898?—A. I never did hear of any unusual shooting in our neighborhood.

Redirect examination by COUNSEL FOR CONTESTEE:

Q. Did anyone of the parties from whom you have rented land for the last eighteen years attempt in anyway to influence your vote?—A. They did not.

Q. Do you know the general reputation of S. Z. Bateman?—A. I do not know that I do.

J. T. WEBB.

Sworn to and subscribed before us this the 29th day of March, 1899.

[SEAL.]

[SEAL.]

A. D. MCLEAN,

J. D. JOWERS,

Notaries Public.

JIM GRAHAM, witness for contestee, being duly sworn, deposes and says:

Q. In what precinct in Robeson County did you reside at the election held in November, 1898, and how long had you been a resident thereof?—A. Smiths precinct No. 2; I had been living there one year.

Q. Where had you lived prior to that time?—A. Red Springs, Robeson County, N. C.

Q. Were you present at the voting place in Smiths precinct No. 2, on the day of said election held in November, 1898?—A. I was.

Q. Was said election in your precinct conducted fairly, openly, and honestly?—A. It was.

Q. Do you know of any elector who was prevented in any way from voting as he chose in your precinct at said election?—A. I think there was two who were kept from voting.

Q. State who they were, what ticket they attempted to vote, and who prevented them from voting?—A. John and Will Bateman were the parties who were kept from voting. I suppose they attempted to vote the Democratic ticket. Their father, S. Z. Bateman, kept them from voting.

Q. Was this S. Z. Bateman whom you say kept his two sons from voting the Democratic ticket the same S. Z. Bateman who was a "Fusion" judge of election, and who was examined as a witness for contestant in this cause?—A. He was the "Fusion" judge of election, and was the only S. Z. Bateman over there.

Q. Do you know of any electors other than John and Will Bateman, whom you say were prevented from voting the Democratic ticket, who were prevented from voting at said election?—A. I do not.

Q. Did any Democrat interfere with or prevent from voting any "Fusion" elector?—A. Not that I know of.

Q. This man, S. Z. Bateman, a witness for contestant, swore that there was intimidation practiced in your precinct prior to and up to the morning of said election, caused by parties riding over the neighborhood shooting and threatening voters. Was this true?—A. It was not.

Q. Was there any intimidation of voters in your precinct or neighborhood at any time prior to the last election?—A. There was not, that I know of.

Q. If there had been any such intimidation would you not have known or heard of it?—A. I suppose I would.

Q. S. Z. Bateman, a witness for contestant, swore that you (Jim Graham), together with Jno. M. McNair, J. T. Webb, Will Brock, — Edwards, Lawrence McGirt, Daniel Smith, and Neil Smith, rode over the neighborhood, just prior to the last election, shooting and threatening voters and telling them that "if they did not stay at home on the day of election, or vote the Democratic ticket, they would be without homes." Were these statements, made by Bateman, true?—A. These statements are not true.

Q. Did you at any time, or in any manner, threaten any elector, or try to prevent him from voting as he chose?—A. I did not.

Q. Said Bateman, witness for contestant, swore that there was promiscuous shooting at the residences of colored voters in your neighborhood just prior to the last election. Was this true?—A. It was not.

Q. Was every "Fusion" elector who offered or attempted to vote at your precinct in the last election allowed to do so without molestation or interference?—A. He was.

Q. About how many registered voters are there in your precinct?—A. I think there is between 175 and 180.

Q. How many voters who were registered in your precinct failed to vote at the last election?—A. I think there was about fifteen.

Q. Did any of this number who failed to vote offer or attempt to vote at said election?—A. Not that I know of.

Q. Do you not know of some voters who were formerly Populists who voted the Democratic ticket at the last election in your precinct?—A. I do.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. You say your name is Jim Graham; where were you born?

(Objected to by counsel for contestee as immaterial and irrelevant.)

A. I was born and raised in Alfordsville Township, Robeson County.

Q. When did you remove to Red Springs Township?—A. In January, 1896.

Q. When did you remove from Red Springs to Smiths Township precinct No. 2?—

A. In December, 1897.

Q. With whom have you resided since you removed to Smiths Township precinct No. 2?—A. Hector McBryde?—A. I am.

Q. Are you a tenant of Hector McBryde?—A. I am.

Q. Have you been a tenant of Hector McBryde since you removed from Red Springs Township?—A. I have.

Q. You stated in your direct testimony that John and Will Bateman were prevented from voting the Democratic ticket at the election held in your precinct in November, 1898. How do you know that they attempted to vote the Democratic ticket?—A. I heard they did.

Q. Do you know of your own knowledge what ticket John Bateman intended to vote at the election held in November, 1898?—A. He never told me that he was going to vote the Democratic ticket, but I heard that he told some others he was going to do it.

Q. Do you know of your own knowledge what ticket Will Bateman intended to vote at the election held in November, 1898?—A. He never told me what ticket he was going to vote, but I heard some others say that he intended to vote the Democratic ticket.

Q. Is hearsay from others enough to make you swear to facts?

(Objected to by counsel for contestee as impertinent.)

A. If from a reliable source, I think it would be sufficient.

Q. How do you know that S. Z. Bateman kept his son, Jno. Bateman, from voting a Democratic ticket?—A. Jno. McNair, Henry McNeil, and a negro, Hannibal Rowland, told me that he (Jno. Bateman) told them so.

Q. How do you know that S. Z. Bateman prevented his son, Will Bateman, from voting the Democratic ticket?—A. The same negro, Hannibal Rowland, told me that Will Bateman told him that his father said if he voted the Democratic ticket he would have to leave home.

Q. How did the conversation with Jno. M. McNair, Hannibal Rowland, and others in regard to Jno. Bateman come about?

(Objected to by counsel for contestee as incompetent.)

A. I do not remember.

Q. Why were you talking with Jno. M. McNair, Hannibal Rowland, and others as to how Jno. Bateman wished to vote?—A. We were all talking. I couldn't say how the chat came up.

Q. Why were you talking to Hannibal Rowland as to how Will Bateman desired to vote?—A. I don't know how he came to tell me what Bateman desired to vote. He brought the subject up himself.

Q. Who is this man, Hannibal Rowland, you speak of as having told you that Will Bateman told him that his father had threatened him if he voted the Democratic ticket?—A. I don't know anything about him. He has been living at McBryde's ever since I have been there. He is a negro.

Q. What were you saying to this negro, Hannibal Rowland, when this conversation about Will Bateman's voting came up?—A. I don't remember what I was saying to him. I was very likely trying to hire him to pick some cotton.

Q. Did you ever say anything to Hannibal Rowland about voting the Democratic ticket?—A. I don't suppose I did; I don't remember; I never bother with the way other people are going to vote.

Q. How about this conversation about Will Bateman's having been forbidden by his father to vote the Democratic ticket?

(Counsel for contestee objects to this question and similar questions propounded to this witness by counsel for contestant, which can not in any view tend to prove or disprove the matter at issue, but which can only have the effect of a useless consumption of time.)

A. I don't know.

Q. Why did you join in this conversation with this colored man, Hannibal Rowland, in regard to Will Bateman's having been prevented from voting?—A. He brought it up.

Q. What ticket did you vote at the election held in November, 1898?—A. The Democratic ticket.

Q. Were you an officer of the election held in Smiths precinct No. 2, in November, 1898?—A. No; I was not.

Q. Do you know who voted at said election at said precinct on said day?—A. I don't, all of them; I know some of the voters.

Q. Do you know the name or names of any of the qualified voters in said precinct, Smiths No. 2, who did not vote at the election in November, 1898?—A. No; I don't suppose I do.

Q. In your direct examination you stated that Jno. Bateman was kept from voting. How do you reconcile this with your answer to the last question just asked you?—A. I simply thought you meant those who had registered; I don't know whether he had registered or not.

Q. Do you not know that no one was a voter or an elector in said precinct, Smiths No. 2, without first having been registered as a voter in said precinct?—A. I know they can't vote without registering; I don't know whether John Bateman had registered or not.

Q. Why did you swear in your direct examination that S. Z. Bateman, the father of John Bateman, prevented the said John Bateman from voting the Democratic ticket when you now say that you do not know that the said John Bateman was a qualified elector or voter of Smiths precinct No. 2, where you say he was prevented from voting by his said father?—A. I said that I didn't know whether he had registered or not before he forbid him to vote that ticket.

Q. Do you know that John Bateman was ever registered as a voter in Smiths precinct No. 2?—A. I do not.

Q. In your direct examination you stated that Will Bateman was prevented from voting the Democratic ticket at the election held in Smiths precinct No. 2, in November, 1898. How do you know that Will Bateman was a voter in said precinct at said election?—A. I don't know that he was a voter; he was prevented from voting, and I don't see how he could have been a voter; he belongs in Smiths Township.

Q. Do you know what constitutes an elector at any precinct in North Carolina in Congressional elections?

(Objected to by counsel for contestee as immaterial and irrelevant.)

A. I don't know that I do.

Q. Do you know who were duly qualified electors in your precinct, Smiths No. 2, at the election in November, 1898?

(Objected to by counsel for contestee as irrelevant.)

A. I don't know that I do.

Q. Are you acquainted with Mr. S. Z. Bateman?—A. Yes; I am acquainted with him.

Q. Are you and Mr. S. Z. Bateman on friendly terms?—A. Yes; we never had any disturbance between us at all.

Q. You say that you and Mr. S. L. Bateman have never had any disturbance between you at all. Do I understand by this that you have that friendly intercourse with each other that is customary among neighbors in your community?

(Objected to by counsel for contestee as immaterial and incompetent and for the further reason that the witness can not swear what the understanding of the counsel for the contestant is.)

A. I suppose we have.

Q. Do you and Mr. S. L. Bateman visit each other?

(Objected to as wholly incompetent and irrelevant.)

A. We do not.

Q. Did you hear any shooting in your community in the nighttime just prior to the election held in November, 1898?—A. I did not.

Q. Did you not hear that there was shooting in portions of your precinct during the nighttime on some of the nights just before the election held in November, 1898? (Objected to by counsel for contestee as incompetent.)

A. I did not.

Q. Did you not yourself fire or discharge a gun or a pistol or some other firearm during one or more of the five nights next preceding the election held in November, 1898? (Objected to by counsel for contestee as incompetent and irrelevant.)

A. I did not.

Q. Did you see any one fire a gun, pistol, or other firearm on the nights of Wednesday, Thursday, Friday, Saturday, Sunday, or Monday next preceding the election held in November, 1898? (Objected to by counsel for contestee as irrelevant and incompetent.)

A. I did not.

Q. Do you know where Mac Galbraith lives?—A. I don't know exactly where he lives; I know about where; I know the place he is living on.

Q. On whose place does he live?—A. If I am not mistaken he lives on a place known as "the Jno. H. McEachin place."

Q. Does anyone else except Mac Galbraith live on this Jno. H. McEachin place? (Objected to by counsel for contestee as incompetent and immaterial.)

A. If I am not mistaken in where Mac Galbraith lived, Mr. Bateman lives on the same place.

Q. How far do you live from this place where you say Mr. Bateman lives and where you think Mac Galbraith lives?—A. I don't know exactly how far; I suppose it is something like 2 miles.

Q. Have you not frequently passed this place where you say Mr. Bateman lives?—A. I have.

Q. Have you not passed the place and the house where you say you suppose Mac Galbraith lives?—A. I have never passed by the house. I have passed by the place where I think he lives.

Q. How near have you ever been to the house where you think Mac Galbraith lives?—A. I suppose some 400 or 500 yards; maybe more.

Q. Did Mac Galbraith live in this house you speak of in November, 1898?—A. I don't know; I guess, though, he did.

JIM GRAHAM.

Sworn to and subscribed before us this the 20th day of March, 1899.

[SEAL.]
[SEAL.]

A. D. McLEAN,
J. D. JOWERS,
Notaries Public.

NEIL SMITH, being duly sworn, deposes and says:

Q. In what precinct in Robeson County do you now reside and how long have you been a resident thereof?—A. In Smith's precinct No. 2. I have lived there about thirty-five and one-half years.

Q. How far is your residence from the voting place in said precinct?—A. About 200 yards.

Q. Were you present at the voting place in your precinct during the day of the election held in November, 1898; and if so, how long during that day were you there?—A. I was present at the voting place. I got there about 11 o'clock and left about dinner time for my dinner. I worked in my yard about an hour and came back and stayed until after the votes were counted and the polls closed.

Q. Was every elector who offered or attempted to vote in your precinct at said election allowed to do so without interference or molestation?—A. I think so.

Q. Was there any intimidation of voters in any manner whatever at your precinct on the day of said election?—A. None that I know of.

Q. Was not the election at said precinct conducted fairly, openly, and honestly?—A. It was.

Q. Was there any intimidation of voters in your precinct or neighborhood at any time prior to the day of the last election?—A. There was not.

Q. S. Z. Bateman, a witness for contestant, swore that some time prior to the election you (Neil Smith), together with J. M. McNair, J. S. Webb, Will Brock, — Edwards, Jim Graham, Laurence McGirt, and Daniel Smith, rode over the neighborhood shooting and threatening voters, and saying that "those who did not stay at home on election day or vote the Democratic ticket would be without homes." Were these statements made by this witness, S. Z. Bateman, true?—A. Not true.

Q. Did you or any of the parties named, so far as you know, intimidate or threaten any voter?—A. No.

Q. Was there any promiscuous shooting in your precinct at any time just prior to the last election?—A. None; I don't think.

Q. Was not your neighborhood as quiet and as orderly during the time just preceding the election and on the day of election as it ever was?—A. It was quiet.

Q. If there had been any intimidation of voters caused by parties riding over the neighborhood discharging firearms would you not have known or heard of it?—A. I think I would.

Q. Do you not know nearly all the voters in your precinct?—A. I know all except a few negroes who are newcomers.

Q. About how many registered voters are there in your precinct?—A. About 155 or 160.

Q. About how many voters who were registered in your precinct at the last election failed to attend and vote at said election?—A. I don't know of any that failed to come. Three I know didn't vote. I think that nearly all who were registered voted.

Q. Did any one of these three who did not vote offer or attempt to vote at said election?—A. Yes; there was one who wanted to vote but said he was afraid to go in where his father was with the ticket that he wanted to vote.

Q. Who was this elector that you refer to, what ticket did he say he wanted to vote, and who was it that he did not want to see him vote?—A. The elector was Jno. T. Bateman; he wanted to vote the Democratic ticket; he did not want S. Z. Bateman, his father, to see him vote.

Q. Was this man S. Z. Bateman a Fusion judge of election at said election?—A. Yes; he was a poll holder.

Q. Did either one of the other two parties who you say attended the election and did not vote offer or attempt to vote?—A. They said if they couldn't get to vote the Democratic ticket they wouldn't vote at all. They were negroes. They didn't vote, but went home without voting.

Q. Did they not want to vote the Democratic ticket, including Jno. D. Bellamy for Congress?—A. They said they would vote the whole Democratic ticket or none.

Q. You stated that you knew nearly all the voters in your precinct. Do you not know that many of them who had previously affiliated with the Populist party voted the Democratic ticket in the last election?—A. All the Populists in my precinct who had previously affiliated with the Populist party voted the Democratic ticket in the last election, except four.

Q. S. Z. Bateman, a witness for contestant, swore that Mac Galbraith, a colored voter in your precinct, was intimidated. Was this true; and if not, how do you know it was not?—A. It was not true. I saw Mac Galbraith this morning and was talking with him. He said that he was not intimidated, and if there had been any threats made against him he did not know it, he had not heard of them.

Q. Did Mac Galbraith say he voted on the day of election; and if so, what ticket did he say he voted?—A. Yes; Mac voted. I saw him vote, and he voted the Fusion ticket.

Cross-examination by COUNSEL FOR CONTESTANT:

Q. What ticket did you vote at the election held in November, 1898?—A. I voted the Democratic ticket, of course.

N. A. SMITH.

Sworn to and subscribed before us this the 29th day of March, 1899.

[SEAL.]
[SEAL.]

A. D. McLEAN,
J. D. JOWERS,
Notaries Public.

FRANK HENDERSON, being duly sworn, deposes and says:

Q. In what precinct in Robeson County did you reside during the election held in November, 1898, and how long had you been a resident thereof?—A. In Maxton precinct No. 1. I have been a resident in it twenty nine or thirty years.

Q. How old are you?—A. Sixty years old.

Q. Were you present at the election held in your precinct in November, 1898, and if so, in what capacity?—A. I was present. I was one of the judges of election.

Q. Was the said election in your precinct conducted fairly, openly, and honestly?—A. It was, as far as I know.

Q. Did any elector in your precinct approach the polls or attempt to approach the polls for the purpose of casting his ballot at said election and fail on account of violence, intimidation, or threats to do so?—A. I did not see any one.

Q. Was not every voter who offered to vote on that day allowed to do so, and to vote as he chose?—A. They were, with the exception of one Fortune McLaughlin, who came up to the polls with tickets in his hand, but Mr. J. P. Smith stopped him

and told him that that was not the ticket he wanted to vote. He (Mr. Smith) gave him the tickets and he voted the tickets that Mr. Smith gave him.

Q. Was not this J. P. Smith who interfered with the elector Fortune McLaughlin in the manner which you have stated a partisan Republican and a candidate for office on the Fusion ticket?—A. He was.

Q. Did any Democrat in any manner interfere with any Fusion elector?—A. None that I saw.

Q. Did not Democrats and Fusionists approach the polls and vote freely during the whole of that day?—A. They did.

Q. Do you know of any intimidation that was practiced in your precinct at any time prior to the last election?—A. I do not.

Q. Did not the said election in your precinct pass off quietly and peaceably?—A. As far as the election is concerned, it did.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. Were you not one of the registrars for Maxton precinct No. 1 at the election held in November, 1898?—A. I was.

Q. Did you reside in the town of Maxton just preceding and during the said election held in November, 1898?—A. I did.

Q. Was there any unusual amount of shooting within hearing of your residence during any night or nights just preceding the election held in November, 1898? (Objected to as too general, incompetent, and irrelevant.)

A. There was a good deal of shooting done during the week.

Q. Did you hear any shooting on Sunday night preceding the election held in November, 1898, at any time between dark and daylight? (Objected to by counsel for contestee as irrelevant.)

A. I don't remember hearing any on that special night, but it is a very common occurrence to hear shooting around here on Sunday night and on every other night, whether it is election time or not.

Q. Are you a very sound sleeper?

(Counsel for contestee objects to the question as irrelevant, it being apparent to almost any intelligent mind that the question as to whether the witness sleeps soundly or not has nothing to do as to who was elected to Congress from this district.)

A. Sometimes I sleep pretty sound.

Q. Did you not hear more shooting on the five nights next preceding the election held in November, 1898, than you have ever before heard in the town of Maxton in the same number of nights in succession?

(Objected to by counsel for contestee as irrelevant.)

A. I can't say that I did on those special nights. I generally went to bed pretty early and didn't hear much.

Q. Have you not heard that the houses of some colored men were shot at just preceding the election held in November, 1898?

(Objected to by counsel for contestee as incompetent.)

A. I heard some colored men and "Fusionists" say that there were.

Q. Did you not hear that the house of Bob Adams was damaged by shooting at the same just prior to the election held in November, 1898?

(Objected to by counsel for contestee as incompetent.)

A. I did not hear that his house was damaged.

Q. Did you not hear that Bob Adams's house was shot at just prior to the election held in November, 1898?

(Objected to by counsel for contestee as incompetent.)

A. I heard some colored person say that his house was shot into during the time.

Q. Did you hear any shooting near the polls in Maxton precinct No. 1 on the day of the election held in November, 1898?—A. I heard some shooting, but don't know how near the polls it was.

Q. Did you not see parties with red shirts on riding at a rapid gait, whooping and yelling, near the polls in Maxton precinct No. 1 on the day of the election held in November, 1898?—A. I saw some with red shirts on riding; I don't remember that they were riding at a rapid gait or whooping and yelling.

Q. Did you hear anything about a colored man by the name of Jim Campbell getting hurt in the town of Maxton on the day of the election held in November, 1898?—A. No; I did not.

Q. Did you hear anything about a colored man by the name of Jim Campbell getting hurt on the day of said election anywhere or at any time?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. I heard that Jim Campbell was hurt, but don't know at what day, at what time, at what place.

Q. How did you hear that Jim Campbell was hurt?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. I think it was Mr. Lowe whom I heard say he was hurt.

Q. Did you not hear that he was hurt by a crowd of Red Shirts while on his way to the election?

(Objected to by counsel for contestee as incompetent.)

A. I didn't hear it.

Q. Did you not year that a number of colored voters were kept away from the polls at Maxton precinct No. 1 on the day of the election held in November, 1898, by the red shirts?

(Objected to by counsel for contestee as incompetent.)

A. I did not.

Q. Do you not know that colored men were intimidated by members of the White Government Union either at or before the said election?—A. I do not.

Q. Did you see any men from South Carolina at and near the polls at Maxton precinct No. 1 on the day of the election held in November, 1898?—A. I saw two that said they were from South Carolina.

Q. What did you see these men from South Carolina doing?—A. I did not see them doing anything out of the way.

Q. Did you not see one of them standing near the polls with a book and pencil in his hand taking the names of colored voters as they left the polls?

(Objected to by counsel for contestee as irrelevant.)

A. I saw one with a book and pencil, but do not know what he was taking down.

Q. Did he not write or pretend to write in his book as each colored voter passed him?—A. I don't know that he did.

Q. Did he not write or pretend to write in his book as each colored voter passed him while you were looking at him?—A. He appeared to be writing, but don't know that he was writing when each colored voter passed him.

Q. Did you not hear him say to one or more of the colored voters: "You have done a bad day's work," or something to that effect, and "We will see you later?"—A. I don't remember anything of the kind; I was paying but very little attention to him.

FRANK HENDERSON.

Sworn to and subscribed before us this the 29th day of March, 1899.

[SEAL.]

[SEAL.]

A. D. McLEAN,

J. D. JOWERS,

Notaries Public.

W. B. HARKER, being duly sworn, deposes and says:

Q. In what voting precinct in Robeson County do you reside and how long have you been a resident thereof?—A. Maxton precinct, No. 1; I have resided here twenty-six years.

Q. How old are you?—A. I am 50 years old.

Q. Where were you born and raised?—A. I was born in what is now Harrison County, W. Va.; I lived there about twelve years and then in New Jersey.

Q. Were you in the town of Maxton, at and near the voting place in Maxton precinct No. 1, on the day of the election held in November, 1898?—A. Yes.

Q. Was said election at your precinct conducted fairly, openly, and quietly?—A. Yes, I think so.

Q. Do you know of any elector in your said precinct who approached the polls or attempted to approach the polls for the purpose of casting his ballot at said election, and who failed on account of any violence, threat, or intimidation to do so?—A. I only know of one who failed to vote the ticket that he attempted to vote through what I believe to have been intimidation; this elector was Fortune McLaughlin; he approached the polls with Democratic ballots in his hand and tendered them at the first box, when J. P. Smith, who was distributing "Fusion" ballots, approached him with a severe look upon his countenance and asked, "Is that the ticket you want to vote?" "Don't you want to vote the Republican ticket?" Fortune trembled and said he wanted to do what was right; I told him that there was no Republican ticket and that he could vote as he chose; my impression is that Smith took the ballots out of Fortune's hand and threw them down, giving him "Fusion" tickets, which he tremblingly voted; Fortune, however, has recently told me that he took one ticket out of his hand and threw it down, and that he did not intend to let anybody "bulldoze" him in the future.

Q. Was not this man, J. P. Smith, whom you say interfered with the elector, Fortune McLaughlin, a Fusion candidate for office at said election and a partisan supporter of O. H. Dockery?—A. Yes.

Q. Was the interference with the elector, Fortune McLaughlin, by this Fusion candidate, J. P. Smith, above described by you, the only act of interference or intimidation of electors seen by you at your precinct on said election day?—A. Yes.

Q. Was not every other elector who offered to vote on that day allowed to do so?—A. Yes; so far as I know.

Q. Was the election held in your precinct in November, 1898, conducted as fairly and as openly as any election you have seen since you have been in this precinct?—A. Yes; I think so.

Q. Do you know of any intimidation of voters that occurred in your precinct at any time prior to said election?—A. No.

Q. Did Democrats and Fusionists who offered to vote at your precinct in said election vote without molestation or interference with the exception of that above described by you?—A. Yes; so far as I saw.

Q. Were you a member of any political club in your precinct during the last campaign; and if so, what club?—A. Yes; I was a member of the political club known as the "White Government Union."

Q. Were you an officer of said club; and if so, what office did you hold?—A. Yes; I was president of our precinct club.

Q. What was the nature and object of this club, known as the "White Government Union," of which you say you were president in your precinct?—A. Its purpose was to obtain, without regard to former party affiliation, the cooperation of all voters who favored the reestablishment of white supremacy in North Carolina; it was an open, nonsecret political association to which men, women, and children were eligible; its meetings were open, and sometimes were attended by Republicans.

Q. Did citizens who had previously affiliated with the Populist and Republican parties become members of this club?—A. Yes.

Q. Have you the constitution of this political club, known as the "White Government Union"?—A. I have.

Q. Please file now as a part of your testimony the constitution of this club.

(Witness here produces the said constitution and files it as a part of his testimony, which is as follows:

CONSTITUTION.

ARTICLE I. The name of the organization shall be the White Government Union.

ARTICLE II. The purpose of the organization shall be to reestablish in North Carolina the supremacy of the white race; to promote individual effort in behalf of the party and its candidates on the part of the voters, and to bring the head of the organization in the counties and State more closely and easily in touch with the township organizations and the individual party voter.

ARTICLE III. Neither oaths, grips, signs, nor passwords shall be allowed.

Any union may, if it desires, adopt a badge, button, insignia, or uniform.

ARTICLE IV. The organization shall be divided into county unions and township unions.

ARTICLE V. Every white man who desires white government in North Carolina and is willing to use every practicable and honorable means to restore white supremacy therein, and who proposes to support candidates pledged to effect that purpose in the ensuing election, shall be eligible to membership of the township union.

ARTICLE VI. The county union shall be composed exclusively of the chairmen of the several township unions and the chairman of the Democratic executive committee of the county, who shall preside over its meetings.

ARTICLE VII. Each township union shall elect a president, vice-president, and such other officers as may be deemed proper, and the president of each township union shall be ex officio a member of the county union.

ARTICLE VIII. The union will meet at least once a month, but the work shall be constant, and each member of the township union will be advised by the president of his union as to the work expected of him, and he will report, from time to time, personally to the president as to the progress he is making.

ARTICLE IX. The township unions will be purely working bodies, and their work will be:

1. To organize, register, and bring out the party vote in the township.

2. To ascertain and report to the State and county chairmen the doubtful and floating votes in the township, to the end that they may supplement the efforts of the union to win the votes of such voters for the party by sending literature, public speakers, etc.

3. To arrange and organize for effective party work at the polls on the day of election.

4. To foster and stimulate individual work on the part of the members of the union in securing a full registration, in winning doubtful and floating voters, and in persuading those white men who have been alienated from the Democratic party of their duty to their race, themselves, and their families.

ARTICLE X. The object of the county union is:

1. To secure voters' action between the several township unions in the county.

2. For the purpose of consulting with the chairman of the county executive committee, and determining questions relating to matters of organization and party work.

3. Arranging for speakings in different parts of the county, and providing attractions and means for securing large attendance at such meetings.

4. For the purpose of receiving from the county chairman such literature as he may have for distribution among members of their respective unions.

5. For receiving instructions concerning any plan of campaign that the State or county chairman may desire to put in operation through the unions in the county, and to agree upon a programme to secure concert of action in inaugurating such work or plan of campaign.

ARTICLE XI. Each union shall be permitted, if it sees fit to do so, to admit as members women, and boys under 21 years old, but such members shall not be entitled to a vote.

ARTICLE XII. In addition to the individual work before provided for, it shall be the duty of the members of the unions to promote, in every honorable and legitimate way, the success of the Democratic party and the success of its candidates, by assisting in the advertisement of Democratic meetings, and in securing the attendance at these meetings of as large crowds as possible; in distributing Democratic literature; in registering Democratic voters, and in ascertaining and reporting the names of all doubtful voters.

ARTICLE XIII. It shall be the duty of the voting members of the union to attend at the polls on election day, and if practicable for them to do so, to give their whole time on election day to the service of the party.

ARTICLE XIV. The unions, in their organized capacity, shall not seek to influence the nominations of candidates nor to influence conventions. Their work will be confined to building up and promoting the interests of the party generally and the election of candidates, after the same have been regularly nominated, and in inculcating among the people the necessity of restoring white supremacy as the only hope for the preservation of our civilization.

ARTICLE XV. Each union shall have power to adopt all such by-laws and regulations as it shall find convenient or necessary, and it shall appoint such committees and elect such additional officers as it sees fit.)

Q. Do you not know that many citizens who had in previous elections affiliated with the Populists voted the Democratic ticket in the last election?—A. Yes; I know a number did.

Q. About what is the area of Maxton precinct No. 1?—A. I should say about 8 miles long and about 8 miles wide.

Q. What part of said precinct does the town of Maxton, proper, cover?—A. Town of Maxton is about 1 mile square.

Q. Was any uniform adopted by your political club in Maxton precinct; and if so, what was it?—A. The White Government Union button was used as a badge and the red shirt recommended as a uniform. The wearing of this was optional with the members.

Q. Was this uniform worn for the purpose or did it have the effect of intimidating anybody?—A. It was not adopted for that purpose nor, I think, it had that effect.

Q. You stated that you have been a resident of this place for twenty-six years, since you came from your former home in New Jersey. What is the character of the people who reside in this section and who compose largely the Democratic party, with respect to the fact as to whether they are peaceable and law-abiding citizens?—A. The people of this community will compare favorably as good law-abiding citizens with any I have ever known.

Q. Are you well acquainted with the character of the country and population of Robeson County?—A. I think I am.

Q. What is the character of the county with respect to density of population?—A. It is not densely populated. It has no large towns, though its population is increasing rapidly. It is the largest county in the State, containing over 1,000 square miles.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. You stated in your direct examination that a red shirt was adopted as the uniform of the political club known as the White Government Union, of which you say you were president in Maxton precinct No. 1. State how this red shirt was worn and give a general description of it.—A. There was no rule for making or wearing them. Some wore them as a shirt, some as blouse, some were plain, others were trimmed.

Q. Why was a red shirt adopted as the uniform of this political club?
(Objected to by counsel for contestee as immaterial.)

A. My impression is that it was adopted as a compromise between those who favored uniforming the union and those who did not. It was made optional, and perhaps selected for economical reasons.

Q. Did you ever hear anything in regard to the use of red shirts in political campaigns in South Carolina?

(Objected to by counsel for contestee as wholly incompetent and irrelevant.)

A. Yes, sir.

Q. What have you heard in regard to the wearing of them during political campaigns in South Carolina and the effect produced by the parties who wore them upon colored people?

(Objected to by counsel for contestee as wholly incompetent and irrelevant.)

A. I have never heard of any effect that the red shirt had on the colored people of South Carolina or anywhere else.

Q. Did you wear one of these red shirts at any time during the campaign just preceding or on the day of the election held in Maxton precinct No. 1, in November, 1898?—A. Yes.

Q. How many of the members of your club who reside in Maxton precinct No. 1, wore these red shirts during the campaign or on the day of the election held in said precinct in November, 1898?—A. I do not know; the smaller portion of them, I think.

Q. Were you not at and near the polling place in said precinct on the day of the said election wearing one of them yourself?—A. I do not know whether I had my red shirt on or not on the day of election; if I had, it was underneath my coat.

Q. Is it customary for you to wear this kind of a red shirt that you have said was adopted as the uniform of your club on the streets in the daytime, even underneath your coat?

(Objected to by counsel for contestee as immaterial.)

A. It was not my custom; I think it is the custom, however, of others to wear the same kind of red shirt that I wore on the streets and under their coats.

Q. Did any unusual amount of shooting occur within hearing of your residence in the town of Maxton for three or four nights preceding the election held in Maxton precinct No. 1, in November, 1898?

(Objected to by counsel for contestee as irrelevant.)

A. I heard a good deal of shooting before the election, but I can not say that it was an unusual amount, for I had been annoyed by shooting at night for a year or more.

Q. Did you not hear shooting on Sunday night preceding the said election, between midnight and day?—A. I do not remember. If I did I do not recall it.

Q. Are you a very heavy sleeper?

(Counsel for contestee objects to the question as wholly irrelevant, it being apparent to any intelligent mind that the question as to whether or not the witness sleeps soundly has nothing to do with the issue in this contest.)

A. I think I sleep very soundly, but believe that I would be aroused by much shooting near me.

Q. Was anything ever said in your presence in regard to keeping colored voters from the polls on the day of the election to be held in November, 1898?—A. I don't recall any conversation with anyone concerning that.

Q. Was anything ever said in your presence during the campaign preceding the election held in November, 1898, in regard to colored voters?

(Objected to by counsel for contestee as incompetent.)

A. I presume there was. I don't recall any particular instance.

Q. Were you, as president, present at each of the meetings of your political club, known as the White Government Union, held in the town of Maxton during the campaign prior to the election held in November, 1898?—A. I think I was. I was informed that there was a meeting of a few of the members, at which I was not present, but it was not a regular meeting of the union, nor a legally called meeting, and was not recognized as a meeting of the union.

Q. Did you ever hear from any source anything that occurred at the meeting referred to in your answer to the last question?

(Objected to by counsel for contestee as irrelevant and incompetent.)

A. Yes.

Q. What did you hear in regard to the said meeting?

(Objected to by counsel for contestee as irrelevant and incompetent.)

A. I heard that a member who had become offended at an editorial in the negro paper published in Maxton had called this meeting and asked that the union boycott the paper, but the request was refused.

Q. Did you hear anything said during the campaign preceding or on the day of the election held in November, 1898, about keeping negro voters from the polls?

(Objected by counsel for contestee for the reason that the witness has previously answered this same question in the negative.)

A. I don't recall any such conversation.

Q. Did you say anything in regard to negro voters during the campaign preceding the election held in November, 1898, or on the day of said election?—A. I presume I did.

Q. Did any member or members of the political club of which you say you were

president arm themselves with Winchester rifles during the campaign preceding the election held in November, 1898?—A. I do not know of my own knowledge.

Q. Did you not hear members of this political club say that they had procured rifles just prior to the election held in November, 1898.

(Objected to by counsel for contestee as incompetent.)

A. No; the only man I saw with a rifle was not a member of the union.

Q. Did you not hear that some Winchester rifles were received in this town just prior to the election held in November, 1898?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. I think I heard that some were received by the hardware merchants here—only a small number. I don't remember the time, neither am I positive that they were received by the hardware merchants.

Q. Did you ever see any guns or rifles at the meetings of your club during the campaign preceding the last election?—A. No; unless perhaps on one occasion the military company were arranging their armory where the union met.

Q. Did you ever see any men from Richmond County at a speaking in the hall where your union met at any time during the last campaign with guns or rifles?—A. Our union met in the armory of the Maxton Guards, where Republican conventions and conventions of other parties are usually held. I saw persons from Richmond County at a public speaking in that hall or armory on one night before the election, but did not see any guns there.

Q. Did you see any of these parties referred to in your answer to the last question have guns on the evening or night referred to?—A. I saw one that I remember.

Q. Did you attend a political speaking near Rocky Ford, in Richmond County, at any time during the campaign preceding the election held in November, 1898?—A. Yes; I attended one.

Q. Was it a Democratic or a Fusionist speaking?—A. It was a meeting addressed by the Democratic candidate for sheriff of Richmond County.

Q. How many members of your club were with you at this meeting?—A. I don't know; somebody went with me in my buggy; I don't remember who; I saw a few other members there.

Q. Did you have on your red shirt that night?—A. I think I did.

Q. Did Oliver H. Dockery, the Fusionist candidate for Congress in the Sixth Congressional district, come to Maxton during the campaign preceding the election held in November, 1898, for the avowed purpose of making a speech?—A. He made a speech here; I heard part of it.

Q. Were you not, with other Democratic residents of Maxton, talking with him before he commenced his speech?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. I was talking with him before and after he made his speech.

Q. Were you not one of a committee who called upon him to protest against his making a speech in the town of Maxton in behalf of the party he represented?—A. No, sir.

Q. Did you not hear that such a committee called on him?

(Objected to by counsel for contestee as irrelevant and incompetent.)

A. I was coming down the street that day and met some gentlemen near the McCormick House where Mr. Dockery was stopping, and they asked me to go in with them, stating their purpose to ask Colonel Dockery not to make an incendiary speech. ~~So the negroes went in and the request was made: he protested that it was not his habit to make incendiary speeches. The people of Maxton were very much stirred that morning over a report that a Republican speaker in Colonel Dockery's county had advised the negroes to put their arms around white girls, and that I understood to be the cause of the riot.~~

Q. Did Col. O. H. Dockery speak in Maxton on that day; and if so, did he speak in this hall that you have referred to as being the place where Republican and other conventions were held, and where your club, known as the White Government Union, had its meetings?—A. I heard him speaking that day out of doors. I don't know whether he spoke in the hall that night or not.

Q. Do you not know that he was refused the use of the hall for the purpose of making a speech on that day?—A. No; I never heard that.

Q. Did you hear anything about the houses of colored people having been shot at just prior to the election held in November, 1898?

(Objected to by counsel for contestee as incompetent.)

A. I think I heard one of the witnesses in this case state that John Baker's house was shot around. I heard of two white men's houses being shot around. The Methodist church was shot into.

Q. Have you ever heard anything about the house of Bob Adams, a colored man, having been shot?—A. I don't remember that I have.

Q. Was there any shooting in the town of Maxton on the day of the election held in November, 1898?—A. Yes; I think I heard some.

Q. Did you not see men and boys running on Patterson street and down the alley which divides Cottingham's store from the store now occupied by Enoch Burns, firing pistols?—A. No; I don't remember seeing that. The only shooting that I remember to have heard I was informed was done by Ed Campbell, a negro.

Q. Will you swear positively that you did not hear shooting near the place where the polls were held in Maxton precinct No. 1 on the day of the election held in November, 1898?—A. I have no recollection of it.

Q. Did you hear anything about a colored man by the name of Jim Campbell having been hurt on the day of the election held in November, 1898?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. I have no recollection of hearing that Jim Campbell was hurt.

Q. Have you ever heard anything about negroes having been turned back on their way to the polling place in Maxton precinct No. 1 on the day of the election held in November, 1898?

(Objected to by counsel for contestee as incompetent in the form in which it is asked.)

A. I have never heard anyone say that anyone was turned back on his way to the polls.

Q. In your direct examination you stated that Fortune McLauchlin approached the polls with Democratic tickets in his hand and tendered them at the first box. Do I understand you to say that he tendered them to either of the judges of election?—A. I do not know what counsel understands, but Fortune McLauchlin had the Democratic ballots and was endeavoring to vote them when interrupted and interfered with by J. P. Smith. I stood near him and was watching the operation, and told Smith that he must not do it again.

Q. Did you see any men from South Carolina at or near the polls in Maxton precinct No. 1 on the day of the election held in November, 1898?—A. I saw one man who lives in South Carolina.

Q. What was this man from South Carolina doing when you saw him near the polls on the day of said election?—A. I don't know what he was doing specially. I saw him several times during the day. He has relatives here, and frequently visits them.

Q. Did you not see this man from South Carolina, with a book and pencil in his hands, meet colored voters as they left the polls and write, or look as though he was writing, in the book, after asking them their names?—A. I think I saw him keeping a list of the voters. We did keep such lists, so that we could tell how the vote was running.

Q. Did you not hear him remark to some of these voters: "You have done a bad day's work, and we will see you later"?—A. No, sir.

Q. Did I understand you to say that this election held in November, 1898, was as quiet and peaceable an election as you had ever seen held in Maxton?—A. This was a very quiet election. When I was about the polls, and I was there most of the time, there was but one interruption that I can recall.

Q. Was there not considerable disorder on the street near the polling place on the day of said election?—A. There was, I think, some disorder on the streets, but none near enough to the polls to interrupt the election proceedings, except that which grew out of the interference with the vote of Fortune McLauchlin and the subsequent refusal of Mr. J. P. Smith to move back from his position near the ballot box, in compliance with the order of the poll holders.

Q. Where were you when the polls were closed?—A. I don't remember, but I think I was at home at that time. I am not positive, however.

Q. Where were you during the counting of the ballots?—A. I was in the armory, where the counting was going on, during a portion of the time.

Q. Was it quiet and orderly in the armory while the counting of the ballots was going on?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. No; there was a good deal of noise made by the gaying of the boys.

Q. Do you not know that there was so much disturbance and fuss kept up during the counting of the ballots in Maxton precinct No. 1 at said election by a crowd clothed in red shirts that it was almost impossible to complete the count and make the proper returns?

(Objected to by counsel for contestee as irrelevant.)

A. I can't say that; there was a good deal made by some boys who wore red shirts and a greater number who did not. It was, however, not impossible to count the ballots and make the returns, which, I understood, was done. The noise was such that at one time they rebuked the boys making it, but I did not hear any objections from the judges of election.

Redirect examination by COUNSEL FOR CONTESTEE:

Q. Were not four of the six judges of election in this precinct at the last election "Fusionists"?—A. I understood them to be appointed as such.

Q. Was B. F. McLean, counsel now appearing for O. H. Dockery, contestant, in the taking of this testimony, one of the said "Fusion" judges of election?—A. He was one of the registrars.

W. B. HOOKER.

Sworn to and subscribed before us this the 30th day of March, 1899.

[SEAL.]
[SEAL.]

A. D. McLEAN,
J. D. JOWERS,
Notaries Public.

STATE OF NORTH CAROLINA, *Robeson County*:

We, the undersigned, A. D. McLean and J. D. Jowers, notaries public, do hereby certify that the foregoing pages contain the testimony taken by and before us, sitting together in the above-entitled cause, pursuant to the attached notices, at Maxton, N. C., on March 28, March 29, and March 30, 1899, the same having been continued from day to day in accordance with the notices; the said testimony having been taken on the part of the contestee, John D. Bellamy; the witnesses examined being A. J. McNair, Henry McNeil, W. C. Wilkes, Laurence Mettirt, J. T. Webb, Jim Graham, Neil A. Smith, Frank Henderson, and W. B. Hooker.

We do hereby further certify that the notices to take depositions, with the proof of the service thereof and the subpoenas served, are attached hereto.

We do hereby further certify that a copy of the notice of contest served on contestee, John D. Bellamy, and of the answer of John D. Bellamy, the returned member, are prefixed to these depositions.

Witness our hands and official seals at Maxton, N. C., this the 31st day of March, 1899.

[SEAL.]
[SEAL.]

A. D. McLEAN,
J. D. JOWERS,
Notaries Public.

Notices to take testimony.

TO OLIVER H. DOCKERY,
Contestant, Rockingham, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at the court room, in the post-office building, at Wilmington, N. C., before John J. Fowler, notary public, beginning at 10 o'clock a. m., on Tuesday, the 28th day of March, A. D. 1899, and continuing from day to day if necessary.

I will examine the following witnesses, namely: Fred Skipper, Geo. T. Bland, Chas. F. Craig, Isadah West, C. H. Keen, W. A. Wright, T. W. Rolly, June Love, ~~Chas. F. Craig, Isadah West, C. H. Keen, W. A. Wright, T. W. Rolly, June Love,~~ ~~Wilmington, N. C.;~~ ~~Willes W. Westcott, Wriggitsville, N. C.;~~ ~~John Ferguson, Murchboro, P. O., Wilmington, N. C.;~~ ~~R. M. Bordenaux, Castle Hayne, N. C.;~~ ~~John C. Bledsoe, Owen Martindale (Federal Point Township), Wilmington, N. C.;~~ John D. Taylor, clerk superior court of New Hanover County, with election, registration, and poll returns for election held on Tuesday after second Monday in November, 1898, and election returns for 1896, etc., Wilmington, N. C.; Geo. W. Price, Syc Bryan, T. U. McGowan, Geo. W. Millis, Wilmington, N. C.

This the 21st day of March, 1899.

JOHN D. BELLAMY,
PER JUNIUS DAVIS,
FRANK McNEILL,
GEO. L. PESCHAN,
W. B. MCKAY,
Attorneys.

TO OLIVER H. DOCKERY,
Contestant, Rockingham, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at the court-house, post-office building, Wilmington, N. C., before J. J. Fowler, notary public, beginning at 10 o'clock a. m., on Tuesday, the 28th day of March, 1899, and continuing from day to day if necessary.

I will examine the following witnesses, namely: Samuel Blossom, C. H. Costeen, Castle Haynes, N. C.

This the 24th day of March, 1899.

JOHN D. BELLAMY,
PER JUNIUS DAVIS,
FRANK McNEILL,
GEO. L. PESCHAN,
W. B. MCKAY,
Attorneys.

Pursuant to the annexed notice to Oliver H. Dockery, which is attached hereto and made a part of these records, and in accordance with a subpoena attached hereto and made a part of these records, I, John J. Fowler, convened court on the 28th of March, 1899, at 10 o'clock a. m., for the purpose of taking depositions according to the notice and subpoenas, and thereupon, on motion of O. J. Spears, counsel for contestant, Oliver H. Dockery, who was present, T. E. Wallace, a notary public, was associated with me at the instance of contestant, and thereupon we, John J. Fowler and T. E. Wallace, sitting together, did proceed to take the depositions in accordance with said notices at Wilmington, N. C., on the 28th day of March, 1899, and on subsequent days, as will appear in the depositions of the several witnesses (post), both Oliver H. Dockery and John D. Bellamy being represented at the taking of such depositions by counsel. The following witnesses, namely: Saml. Blossom, Giles W. Westbrook, John Biddle, R. W. Bordeaux, Junius G. Love, D. J. Fergus, Chas. H. Keen, C. F. Craig, Jno. R. Turrentine, Geo. T. Bland, Geo. W. Millis, W. A. Wright, T. Jeff. Smith, Henry L. Hewett, J. M. McGowan, I. West, Jno. D. Taylor, and J. D. Webster, were examined, their depositions being given in detail in the testimony annexed.

In accordance with the notice, the court convened on the 28th day of March, 1899, at 10 o'clock a. m., when the following witnesses, namely, Saml. Blossom, Giles W. Westbrook, and John Biddle, being duly sworn, were examined and their testimony was as follows:

SAMUEL BLOSSOM, being duly sworn, deposes and says:

Q. Mr. Blossom, what is your age and residence?—A. I am about 62 years old.

Q. Residence?—A. Castle Hayne.

Q. What township and county?—A. New Hanover County; Cape Fear Township.

Q. For how many years have you been a resident of that township?—A. Twenty-six or twenty-seven years.

Q. Were you an officer of election in the election held in your township on November 8, 1898?—A. No, sir; I understood you to say if I was at the election.

Q. Were you present at the voting place in your township in the election held on November 8, 1898, for the major part, if not all, of that day?—A. Yes, sir.

Q. Did you see any attempt made by fraud or intimidation to prevent any qualified voter from casting his vote?

(Question objected to by counsel for contestant as leading. Objection sustained. Question withdrawn.)

Q. How was the election in your precinct conducted?—A. Quiet and peaceable election.

Q. Mr. Blossom, please state whether the election held in your precinct or township on November 8, 1898, was fairly and openly conducted or not.—A. It was as fair and open as any election held there for 25 years.

Cross-examination:

Q. Mr. Blossom, where you were born?—A. I was born in Madeira Island.

Q. How long have you been a citizen of the United States?—A. About 40 or 45 years; can not state exactly.

Q. Have you naturalization papers?—A. Yes, sir; I suppose I have. I have got them somewhere.

Q. What court issued to you naturalization papers?—A. County court, sir, New Hanover County.

Q. When?—A. I couldn't tell you exactly when; guess about 40 years ago; can't tell you the year or day exactly, sir.

Q. Mr. Blossom, was there a full election held at your precinct at which the full strength of the Democratic party, the Republican party, and the Populist party was cast on the 8th of November, 1898?

(Question objected to by counsel for contestee on the ground that the election returns and books are the best evidence of the facts. Notary Fowler sustains the objection; Notary Wallace overrules it.)

A. Yes, sir; and the full strength was voted except three or four votes on both sides.

Q. Mr. Blossom, please state the strength of the Republican party in your precinct.

(Objected to by contestee. Objection sustained.)

Q. How many votes were cast in your precinct for Oliver H. Dockery on the 8th day of November, 1898?

(Objected to by contestee on the ground that the official returns are the best evidence of the facts. Objection sustained; whereupon the counsel for contestant insists upon and demands an answer. Whereupon Notary Public Fowler, chosen by contestee, rules against permitting an answer, and Notary Public Wallace, chosen by contestant, rules in favor of granting an answer.)

A. Why, I don't know how many votes were cast for Oliver H. Dockery.

Q. How many votes did Mr. Bellamy receive?—A. I don't know.

Q. For whom did you vote?—A. I voted full Democratic ticket, sir.

Q. How long have you been voting the Democratic ticket?—A. All my life; never voted anything else in my life.

Q. Did you see any Winchester rifles during the months of September, October, and November, 1898, previous to the election?—A. No, sir; I never saw one; wouldn't know one if I see it.

Q. Did you see guns in the hands of any Democrats and organized body during the months of September, October, and November?—A. No, sir; never saw one of them.

Q. Was there a new registration at your precinct taken for the election of November 8, 1898?—A. I think it was.

Q. Do you not know?—A. I think it was.

Q. You do not know of your own knowledge whether there was such registration or not?—A. I think it was. I registered for the election myself.

Q. Did you have any employees?—A. Yes.

Q. Were they white or colored?—A. Both white and colored.

Q. Were they Republicans or Democrats in your employ?—A. Some were Republicans and some Democrats.

Q. Did you or did you not state to your colored men or white men who were Republicans that if they registered to vote in the election that was to occur on the 8th day of November, 1898, that you would have no further use for their services?—A. No; I did not. I have got every white and colored man working for me to-day that I had then.

Q. Did you state to such employees of yours anything substantially like that inquired of you in the last question?—A. No, sir; not a thing, sir.

Redirect examination:

Q. Mr. Blossom, at what place in your township was the election of November 8, 1898, held?

(Objected to by contestant as not being responsive to any matter brought out on cross-examination.)

(Objection overruled by Notary Fowler and sustained by Notary Wallace.)

A. In my store—in the back part of my store.

Q. What parties, Mr. Blossom, had a majority of the election offices in your township, the Populists and Republicans on the one hand, or the Democrats on the other?—A. I do not know, sir. I do not know that I can give you that answer.

SAMUEL BLOSSOM.

Sworn and subscribed to before us this 28th day of March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER, *Notary Public*.
T. E. WALLACE, *Notary Public*.

GILES W. WESTBROOK, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. Thirty-nine years old, sir; Giles W. Westbrook; Wrightsville, N. C., New Hanover County, Harnett Township.

Q. Where were you on the 8th of November, 1898?—A. I was at the voting precinct in Harnett Township.

Q. In what capacity did you serve on that day?—A. I was registrar.

Q. Were you there the entire day?—A. All day, sir.

Q. How many judges of election were there?—A. Six.

Q. Will you state if you know what parties these judges represented, or how they were divided with reference to parties?—A. They represented the Democratic, Republican, and Populist party.

Q. What number had each party?—A. Two.

Q. Please state how that election was conducted.—A. Quiet and peaceable.

Q. State whether or not it was free and fair, and whether or not there was any intimidation?—A. Free and fair election; no intimidation whatever, sir.

Cross-examination:

Q. Mr. Westbrook, how did you vote in this election?—A. I voted the Democratic ticket, sir.

Q. What are your political affiliations and principles—Democratic, Republican, or Populistic?—A. Democratic.

Q. How long have you been a Democrat?—A. All my life, sir.

Q. What was the relative strength of the Democratic party, the Republican party, and Populist party relating to the whole strength of each of such parties cast at your precinct in the election referred to?

(Question objected to by counsel for contestee, whereupon the notaries sustained the objection.)

A. I will refer you to the returns of our election; I don't know.

Q. Do you know of any trouble whatever as having occurred at your precinct during the casting, counting, or returning of the vote of such precinct?—A. Don't know of any.

Q. How far does Harnett Township precinct lie away from the city of Wilmington?—A. Harnett Township, I think, comes to the city limits.

Q. Are you prepared to say, and do you say, that the strength in full of the Republican party was cast at your precinct on the 8th day of November, 1898, when you say that you do not know the strength of the Republican party of your township?—A. All registered, and all voted.

Q. How did such voters, meaning Republicans, vote, for Dockery or for Bellamy?—

A. I do not know.

Q. Did you know of the presence in your township of any organized rifle clubs or like organizations upon the part of the Democrats?—A. No, sir.

Q. Did you know of the use or ownership at the time of and shortly previous to the election of repeating rifles in your township owned by Democrats?—A. No.

Q. Did you at that time, or shortly previous to the election, own any repeating rifles?—A. Didn't own any, sir; don't own any now.

Q. Did you belong to an organization in your township, if such there were, known as the White Government Union?—A. No, sir; I did not.

Q. Was there such organization in your township of your knowledge?—A. I think there was.

Q. Did it not comprise about the full Democratic strength of your township?—A. No, sir.

Q. Do you know of your own knowledge the strength of such organization in your township?—A. I do not.

Q. Do you know about the strength of it?—A. I do not.

Q. Did you have employees Republicans during September, October, and November at and previous to the date of election referred to?—A. I did.

Q. Was there a new registration ordered and had for your precinct or township for the late election spoken of?—A. Yes.

Q. Did you notify any Republican employee of yours that if he registered his services would be no further needed or used by you?—A. I did not.

Redirect examination:

Q. Did you at that time have in your employment many Republicans?—A. I had about 40, sir.

Q. Mr. Westbrook, what position if any of honor have you held in this town?

(Objected to by contestant upon the grounds that it is not relative to any new matter brought out by the cross-examination, and therefore under the rule incompetent.)

Mr. Fowler overrules the objection: Mr. Wallace sustains the objection.)

A. I am a member of the school board at present.

Q. What other offices have you held?—A. Have been a member of the general assembly.

G. W. WESTBROOK.

Sworn and subscribed to before us this 28th day of March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER, Notary Public.
T. E. WALLACE, Notary Public.

JOHN A. BIDDLE, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. John A. Biddle: 28 years of age; Federal Point Township, New Hanover County.

Q. Mr. Biddle, how many years have you been a resident of Federal Point Township?—A. All my life.

Q. What position if any did you hold during the election on November 8, 1898?—A. I was one of the registrars.

Q. Where?—A. Federal Point Township.

Q. Did your duties as registrar require your presence, and were you present, at the voting place in Federal Point Township on November 8, 1898?—A. I was.

Q. How was the election held on November 8, 1898, in your township conducted?—A. As fair as I ever saw any election.

No cross-examination.

JOHN A. BIDDLE.

Sworn and subscribed to before us this 28th day of March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER.
T. E. WALLACE,
Notaries Public.

R. W. BORDEAUX, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. R. W. Bordeaux, 45 Cape Fear Township, New Hanover County.

Q. Mr. Bordeaux, for how many years have you been a resident of Cape Fear Township?—A. Fourteen years.

Q. What official position, if any, did you hold in the election of November 8, 1898?—A. Registrar.

Q. Please state if you know what parties had a majority of the election offices in your township, the Populists and Republicans on the one hand, or the Democrats on the other?—A. Populists and Republicans.

Q. Were you present performing your duties as an officer of election in Cape Fear Township on the day of November 8, 1898?—A. Yes.

Q. How was the election in your precinct conducted?—A. Quiet, with full strength of the registered vote.

Cross-examination:

Q. You say you were a registrar acting in the last registration up to and including the election held on November 8, 1898, and will you please state who commissioned you as such registrar.—A. Clerk of the court.

Q. What is his name?—A. Col. John D. Taylor.

Q. Was John D. Taylor a candidate for reelection as clerk at the election spoken of on November 8, 1898, as to Democratic nominee?—A. Yes; I think he was.

Q. Who was chairman of the board of county commissioners of New Hanover County at the time of your appointment as registrar?—A. I don't know whether it was Colonel Foster or Mr. Moore.

Q. Who is the present chairman of the county commissioners of New Hanover County?—A. Col. Roger Moore.

Q. Now, refreshing your memory, Mr. Bordeaux, do you not know that Col. Roger Moore was chairman of the board of commissioners of New Hanover County at the time of your appointment as registrar?—A. I do not.

Q. Do you not know that Col. Roger Moore was a Democratic nominee and candidate for commissioner of New Hanover County at the election occurring on November 8, 1896?—A. Yes; he was one of the commissioners.

Q. Who appointed the registrars and judges of election for your precinct to be held November 8, 1898?—A. I suppose they were appointed by the county commissioners.

Q. You said the clerk appointed you.—A. I was sworn in by the clerk.

Q. Did the county commissioners appoint you registrar for the election spoken of?—A. Yes, sir.

Q. Did you have many colored or white Republicans employed by you previous to the election spoken of?—A. I had some colored.

Q. Now, did you notify these colored Republicans employed by you that if they registered for voting in the election to occur November 8, 1898, that you would have no further use for their services?—A. I did not; they are working for me now.

Q. Did you make any like statement to them?—A. No statement whatever.

Q. Mr. Bordeaux, do you know of any repeating rifles in your township previous to or at the time of the election spoken of, owned or in the possession of Democrats?—A. No.

Q. Do you know the strength of the Democratic party, the Republican party, and the Populist party voting at your precinct?—A. I did know at the time, but I have forgotten.

Q. Did the majority at that township in that county cast for Dockery or Bellamy, contestant and contestee, respectively, of this case?—A. I think it was for Dockery; I am not certain. The Republicans had a big majority there—2 to 1; I am not certain.

Q. Did they vote for Dockery at your precinct double that of Bellamy at the election spoken of on November 8, 1898?—A. I can't positively say whether it doubled it or no; all voted for Dockery that wanted to vote for him. It was a fair election.

Redirect examination:

Q. Mr. Bordeaux, you stated in your cross-examination, I understood you, that you had been appointed registrar by the county commissioners. Were you present at the time of your appointment?—A. No.

Q. Is your statement made in your cross-examination as to your appointment founded on your own knowledge or a mere impression of yours?—A. A mere impression.

Q. Mr. Bordeaux, by whom were you notified as to your appointment as registrar? Was it or was it not the sheriff?—A. I have forgotten. I pay such little attention to such things.

Q. Is it or is it not a fact that after your notification of your appointment as registrar you came to the clerk of the superior court and was sworn in.—A. Yes.

R. W. BORDEAUX.

Subscribed and sworn to before me this 28th March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER, *Notary Public*.
T. E. WALLACE, *Notary Public*.

At 1.30 p. m. court took a recess until 3.30, and at 3.30 both contestant and contestee being represented by counsel, court reconvened and proceeded to examine the following witnesses, namely: Junius G. Love, D. J. Fergus, and Chas. H. Keen, who, being duly sworn, deposed as follows:

JUNIUS G. LOVE, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. Junius G. Love; 49; Wilmington, N. C.

Q. How long have you resided in Wilmington?—A. Ever since I was born.

Q. Where were you on the 8th of last November?—A. I was in the first division of the Second Ward.

Q. In what capacity were you acting that day?—A. Registrar.

Q. How many judges of election were there?—A. Four.

Q. How many of each party?—A. Two Republicans and two Democrats. There were no Populists in that ward.

Q. How was the election conducted in your precinct?—A. Fairly and squarely.

Q. Any disorder or disturbance of any kind?—A. None whatever, sir.

Q. State whether or not there was anything to prevent any voter and every voter from casting his ballot as he desired.—A. There was not a challenge there that day or any day of the registration.

Cross-examination:

Q. You were appointed registrar by whom?—A. I don't know; I received my notice from the clerk of the court.

Q. Who was clerk of the court?—A. John D. Taylor.

Q. What was Mr. John D. Taylor's, the clerk of the court, politics?—A. I don't know.

Q. Was Mr. John D. Taylor, the same man who was clerk of the court, not a candidate and nominee of the Democratic party for reelection as clerk of the superior court of New Hanover County, standing as such for the election that occurred on the 8th of November, 1898?—A. I think he was.

Q. Mr. Love, do you not absolutely know that he is the man who was such candidate and who is now the clerk of the superior court of New Hanover County?—A. I don't absolutely know, but I believe he was.

Q. Do you not positively know, Mr. Love, that he was the man who was the acting clerk of the superior court of New Hanover County at the time of your qualification in October, 1898, as registrar of election?—A. I do.

Q. Who was his opponent, if any, at the election that occurred on the 8th of November, 1898?—A. I don't know; I don't remember.

Q. Was there any other man voted for as clerk of the superior court at your election precinct on the 8th day of November, 1898, than Mr. John D. Taylor?—A. I don't remember. I go by the returns, whatever they are.

Q. Mr. Love, do you not know as a fact that the Republicans and Populists of New Hanover County neither separately nor conjointly had a candidate or candidates for clerk of the superior court of New Hanover County against Mr. John D. Taylor at the election spoken of?—A. I believe they did, but I don't remember who they were. If I could see the returns I could tell mighty quick, but I don't remember who they were.

Q. Do you not know the fact that Mr. Taylor was voted for by the Democrats at the election held in your precinct at the time named?—A. I do not. I don't remember.

Q. What ticket did you vote at that election?—A. I voted the Democratic ticket.

Q. Then, Mr. Taylor was the nominee of the Democratic party for clerk of the superior court of New Hanover County, was he not?—A. I told you two or three times I didn't remember, but if he was, I voted for him.

Q. For whom did you vote for representative in the general assembly of North Carolina on the day of election?—A. I voted for Rountree and Willard.

Q. Did Messrs. Rountree and Willard have any opposing candidates, Republican, Populistic, or Fusion in that election?—A. I don't recollect whether they did or not.

Q. Who did you vote for as sheriff for the county of New Hanover?—A. Walter G. MacRae.

Q. Did Mr. Walter G. MacRae have any opponent as a candidate for the office of sheriff, Republican, Populistic or Fusion in that election?—A. I suppose he did.

Q. What are your reasons for supposing he had, Mr. Love, when you were registrar of election and had opportunity of knowing who the candidates were and voted for at your precinct?—A. There were always two opposing parties.

Q. Who did you vote for for State senator at the election spoken of, Mr. Love?

(Objected to by contestee on the ground that it is irrelevant and immaterial.

Objection sustained by Mr. Fowler and overruled by Mr. Wallace.)

A. I don't remember.

Q. Do you not know that the Democratic candidate for State senate had no opponent in the late election occurring November 8, 1898?—A. I don't think he did.

Q. Do you know of a single candidate of the Republican or Populist party or a candidate of the Fusionistic party for any county or legislative office in the county of New Hanover in the election occurring November, 8, 1898?—A. I don't remember of one.

Q. Now, Mr. Love, I wish to ask you this question: Do you not know of your own knowledge or by common rumor of the leaders of the Democratic party with whom you talked previous to the late election occurring November 8, 1898, that for the sake of peace, and to avoid bloodshed in the city of Wilmington and county of New Hanover that it was agreed by leaders of the Republican party, including in their number the governor of the State of North Carolina, to the effect that the Republican party in the county of New Hanover were to have no ticket opposing the Democratic ticket naming candidates for the election to occur the 8th day of November, 1898?—A. I don't know anything of the kind.

Redirect examination:

Q. Mr. Love, do you not know that Capt. W. J. Davis, the candidate for the State senate on the Democratic ticket was opposed by Capt. R. B. Davis, a Populist, on the Populist and Republican ticket for State senate?—A. Yes; I recollect it now since you brought it to my mind.

Q. State whether or not there was a hot contest for this office between these candidates.—A. I think there was.

Q. How many persons were voted for for United States Congress in this district?—A. There were two.

Q. Who were they?—A. Bellamy and Dockery.

Q. State whether or not at your precinct every elector had his full and fair chance to vote for whoever he pleased of these candidates for Congress.—A. Yes, there was no interference whatever.

J. G. LOVE.

Sworn and subscribed to before us, this 28th March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER, *Notary Public*.
T. E. WALLACE, *Notary Public*.

JOHN FERGUS, being duly sworn, deposes and says:

Q. Please state your full name, age, and place of residence.—A. D. J. Fergus; 41 years old; was born in the city of Wilmington, N. C., and reside in Masonboro Township.

Q. Where were you on the day of election?—A. I was at the polls.

Q. What township?—A. Masonboro Township.

Q. What county?—A. New Hanover County.

Q. What position did you occupy?—A. I was one of the registrars.

Q. How many registrars were there?—A. There were three registrars.

Q. Who did they represent?—A. Two were representing the Populist and Republican party and one the Democratic party.

Q. How many judges of election?—A. Three.

Q. What were their politics?—A. Two represented the Populist and Republican and one the Democratic party.

Q. Did you ever hold a position of registrar before?—A. On one or two occasions; I have been poll-holder several times.

Q. Was the election conducted fairly?—A. It was quiet and orderly as could be.

Q. Was anyone prevented from voting in your precinct?—A. None at all.

Q. Is this a Democratic or Republican precinct?—A. Democratic.

Q. From your experience of former elections, was this a full registration and vote?—A. Yes, sir.

Cross-examination:

Q. Mr. Fergus, how far from Wilmington is the precinct where the voters of Masonboro Township are called to give their votes?—A. I think it is about 7 miles.

Q. Did the boundaries at Masonboro Township adjoin the boundaries of the city of Wilmington?—A. Yes, sir.

Q. How many votes were cast for John D. Bellamy at this precinct?—A. The votes that are usually cast for the Democratic nominee.

Q. Do you mean the votes usually cast at that election or usually cast at previous elections?—A. I said the votes usually cast at elections.

Q. Do you remember about the number cast for Jno. D. Bellamy at that election?—A. I do not.

Q. Mr. Fergus, you say you have been registrar once or twice before in that township, and also judge of election several times in that township, Masonboro, and you can not state about the strength of the Democratic party of your own township with this sufficient experience as an election officer conducting elections there?—A. I can not state definitely, but between 70 and 90.

Q. Can you state how many votes, if any, were cast for Oliver H. Dockery at Masonboro Township at the election which occurred there November 8, 1898?—A. There were less votes cast for him than for Mr. Bellamy.

Q. Were you or not a member of what is known as the White Government Union?—A. I was.

Redirect examination:

Q. You stated you were a member of the White Government Union; did it have a constitution and by-laws?—A. Yes, sir.

Q. Did you have a copy?—A. I have one at home.

Q. Would you know it if I was to show you a copy?—A. Yes, sir.

(Copy of the constitution and by-laws of the White Government Union is here introduced by contestee and identified by witness, and is herewith attached to these depositions and marked "Exhibit A.")

A. This is an exact copy of it.

Q. What was the purpose of this organization?—A. From the way we understood it in Masonboro Township, it was for the purpose of bringing out the Democratic voters who had stayed away from the previous elections.

Q. Mr. Fergus, will you state whether or not this does not embody the nature and purpose of the organization?

"This work will be such as he can perform without loss of time from his own business. It will be such work as he can do, and no work will be assigned to any member to which he objects, and no work will be assigned to any member which is not honorable, legitimate, and proper. The Democratic party will appeal to the honor, character, and highest aspirations of the people, and it will condemn any except honorable methods of campaigning."

A. That was the purpose of the organization.

Q. Did this body attempt to use arms or violence during the campaign?—A. No intimidation whatever was used.

D. J. FERGUS.

Sworn and subscribed to before us this 28th March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER, *Notary Public*.
T. E. WALLACE, *Notary Public*.

Introduced and identified by witness, John Fergus, and declared a part of record in Dockery-Bellamy contest case for contestee and marked "Exhibit A."

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

EXHIBIT A.—*Constitution and by-laws of the White Government Union, 1898.*

PREFACE.

Our State is the only community in the world, with a majority of white voters, where the officers selected to administer the Government are the choice of negroes, and not of the whites.

This condition has been brought about by an unfortunate division among the white people; and it is likely to continue until that division is removed, and unity again prevails among them as it did prior to 1892.

The necessity for a closer union of the white people of the State is so apparent that it requires no argument, and that necessity has called forth the organization of the White Government Union.

THE WHITE GOVERNMENT UNION.

CONSTITUTION.

ARTICLE I. The name of the organization shall be The White Government Union.

ARTICLE II. The purpose of the organization shall be to reestablish in North Carolina the supremacy of the white race; to promote individual effort in behalf of the

party and its candidates on the part of the voters, and to bring the head of the organization in the counties and State more closely and easily in touch with the township organizations and the individual party voter.

ARTICLE III. Neither oaths, grips, signs, nor passwords shall be allowed.

Any union may, if it so desires, adopt a badge, button, insignia, or uniform.

ARTICLE IV. The organization shall be divided into county unions and township unions.

ARTICLE V. Every white man who desires white government in North Carolina, and is willing to use every practicable and honorable means to restore white supremacy therein, and who proposes to support candidates pledged to effect that purpose in the ensuing election, shall be eligible to membership of the township union.

ARTICLE VI. The county union shall be composed exclusively of the chairmen of the several township unions and the chairman of the Democratic executive committee of the county, who shall preside over its meetings.

ARTICLE VII. Each township union shall elect a president, vice-president, and such other officers as may be deemed proper, and the president of each township union shall be, ex officio, a member of the county union.

ARTICLE VIII. The unions will meet at least once a month, but the work shall be constant, and each member of the township union will be advised by the president of his union as to the work expected of him; and he will report from time to time, personally, to the president as to the progress he is making.

ARTICLE IX. The township unions will be purely working bodies, and their work will be:

1. To organize, register, and bring out the party vote in the township.
2. To ascertain and report to the State and county chairmen the doubtful and floating votes in the township, to the end that they may supplement the efforts of the union to win the votes of such voters for the party by sending literature, public speakers, etc.
3. To arrange and organize for effective party work at the polls on the day of election.
4. To foster and stimulate individual work on the part of the members of the union in securing a full registration, in winning doubtful and floating voters, and in persuading those white men who have been alienated from the Democratic party of their duty to their race, themselves, and their families.

ARTICLE X. The object of the county union is:

1. To secure concert of action between the several township unions in the county.
2. For the purpose of discussing with the chairman of the county executive committee and determining questions relating to matters of organization and party work.
3. Arranging for speakings in different parts of the county, and providing attractions and means for securing large attendance at such meetings.
4. For the purpose of securing from the county chairman such literature as he may have for distribution among members of their respective unions.
5. For receiving instructions concerning any plan of campaign that the State or county chairman may desire to put in operation through the unions in the county, and to agree upon a programme to secure concert of action in inaugurating such work or plan of campaign.

ARTICLE XI. Each union shall be permitted, if it sees fit to do so, to admit as members women and boys under 21 years old, but such members shall not be entitled to a vote.

ARTICLE XII. In addition to the individual work, before provided for, it shall be the duty of the members of these unions to promote, in every honorable and legitimate way, the success of the Democratic party, and the success of its candidates, by assisting in the advertisement of Democratic meetings, and in securing the attendance at these meetings of as large crowds as possible; in distributing Democratic literature; in registering Democratic voters, and in ascertaining and reporting the names of all doubtful voters.

ARTICLE XIII. It shall be the duty of the voting members of the union to attend at the polls on election day, and, if practicable for them to do so, to give their whole time, on election day, to the service of the party.

ARTICLE XIV. The unions in their organized capacity, shall not seek to influence the nominations of candidates, nor to influence conventions. Their work will be confined to building up and promoting the interests of the party generally, and the election of candidates, after the same have been regularly nominated, and inculcating among the people the necessity of restoring white supremacy, as the only hope for the preservation of our civilization.

ARTICLE XV. Each union shall have power to adopt all such by-laws and regulations as it shall find convenient or necessary, and it shall appoint such committees and elect such additional officers as it sees fit.

The following by-laws are suggested:

Each union shall organize by electing, by ballot, the officers provided for in the constitution, and such others as they may see fit.

The president, unless it should be decided otherwise, shall appoint all committees which may be raised by any union.

The president shall preside at all meetings, and in his absence the vice-president shall preside.

The president shall assign to each member such campaign work as it is expected of that member to perform. This may or may not be done at the meetings of the union. (It is perhaps more practicable for it to be done at other times.) The member, after having his individual work assigned to him by the president, shall report to the president from time to time, *but to no one else*, regarding the progress which he is making.

If it shall be decided to have but one meeting each month of the township unions, such meeting shall be held on the last Saturday of the month, and the corresponding meetings of the county union shall be held on the preceding Thursday.

If it shall be determined to have bimonthly meetings of the township unions, they shall be held on the third and last Saturdays in each month, and the meetings of the county unions shall be held on the preceding Thursdays.

The chairman of the township union may, in his discretion, cause to be organized subunits in the several voting precincts in his township. The chief officer of each such union shall report to and receive directions from the chairman of the township union, in same manner as the township chairman reports to and receives directions, under this plan, from the county chairman.

There shall be appointed by the township unions the following committees, each to contain at least five members, except the committee on challenges and polls, which shall contain ten members.

1. *Committee on registration.*—The duty of the committee on registration shall be to see that every Democratic voter is duly registered. They shall be especially charged with the duty of seeing that voters who have arrived at the age of 21 since the last election and those who have removed from one precinct to another are properly registered. They shall also be charged with the duty of ascertaining the names of such Democrats as have moved away from their township and to notify the committee of the township to which they have moved of their names. This committee will be expected to see that no Democratic vote is lost because of a failure to register.

2. *Committee on campaign literature.*—It shall be the duty of the committee on campaign literature to aid the chairman of the union in distributing among the members of the union and others such literature as he may receive for distribution; to urge upon Democrats to take at least one Democratic paper during the campaign, and to bring the cost of such paper within the reach of each member arrangements will be made by the State chairman with the best Democratic weeklies for rates not to exceed 25 cents from the 1st of August to the 15th of November; to furnish the chairman of the union with the names of persons to whom literature should be sent.

3. *Committee on speakers.*—It shall be the duty of this committee to confer with the chairman of the township unions concerning times and places of speaking in their township and to see that such speakings as are determined upon are thoroughly advertised, and to arrange conveyances for the speakers, and to see to their comfort as much as possible.

4. There shall be a committee of ten, known as committee on challenges and polls, in each voting precinct, composed of carefully selected men, whose duty it shall be to look after challenges and illegal voters, to attend the polls on the day of election, and to see that the Democratic vote is fully polled—that no injustice is done—and to arrange for conveyances to send for those who are not able otherwise to reach the polls or who may, for any reason, fail to appear at the polls by 1 o'clock on day of election.

At every meeting of the union every member of the union shall hand to the president a list of persons to whom, in his opinion, literature should be sent or whom he may regard as a doubtful voter, and the president shall furnish the county chairman with a list of such names and post-office address, and the county chairman will forward the same to State chairman.

There shall be a meeting of all the unions in the county on Thursday before the election for the purpose of discussing questions concerning the organization, general work, and status of the party and hearing addresses from local and outside speakers.

HOW TO ORGANIZE.

The chairman of the State committee will send immediately into a number of the Congressional districts district organizers, who will go into each county and organ-

ize one or more unions and leave with the county chairman the necessary blanks, constitution, by-laws, etc. The county chairman will become county organizer, and he is expected to press the work and to fully organize his county during the month of August.

If it shall be decided to organize subunions in any township, they shall be numbered and known as subunions according to their numerical number.

The unions will be working bodies, not dress-parade organizations. Important work will be assigned to each member.

This work will be such as he can perform without loss of time from his own business. It will be such work as he can do, and no work will be assigned to any member to which he objects, and no work will be assigned to any member which is not honorable, legitimate, and proper.

The Democratic party will appeal to the honor, character, and highest aspirations of the people, and it will condemn any except honorable methods of campaigning.

The State committee believes that a man can render the party better service by being a member than by remaining outside. But no man's Democracy or fealty shall be brought into question because he does not join. The propriety of joining is left to each person.

The State committee has a definite plan of campaign which it will put into effect this year, and these unions will be a powerful ally, because for the first time definite, well-considered work will be assigned to each man.

CHARLES H. KEEN, being duly sworn, deposes and says:

Q. Mr. Keen, please give us your name, age, and residence.—A. Chas. H. Keen; age, 40; residence, 307 N. Seventh, Wilmington, N. C.

Q. Where were you on the 8th day of last November?—A. I was at the fourth division of the First Ward: was registrar.

Q. How many poll holders and judges of election were there at that precinct on that day?—A. The first Saturday we had one from each party—the Populist, Republican, and Democrat.

Q. But on the day of election?—A. We had one Republican and one Democratic, the Populist died in the meantime. He died from natural causes.

Q. You were a registrar, you say?—A. Yes, sir.

Q. State how that election was conducted.—A. The Democratic and Republican poll holders and registrars stated it was as fair as they ever saw in their life in their precinct.

Q. State whether or not there was any intimidation, or if anybody was prevented from voting.—A. There was no intimidation at all; everything was fair and square.

Q. State who was the candidate on the Republican and Populist ticket for Congress from this county?—A. I can tell you the Republican Congressman, Oliver H. Dockery. I don't know who the Populist was; don't know if they had any.

Q. Please state, if you know, whether Oliver H. Dockery was not running as a nominee of the Republican and Populist parties?—A. Yes, sir; they both voted for him.

Q. Who was the Democratic candidate?—A. John D. Bellamy.

Q. Is it a Republican or a Democratic precinct?—A. There were about 488 Republican votes and about 33 Democratic votes in that precinct.

Cross-examination.

Q. How many Republican votes were cast at the election occurring November 8, 1894?—A. Four hundred and seventy-nine—nearly the entire strength of the party. They would have voted the balance, but they could not be found; all were voted in the precinct except 10 or 12.

Q. Do you mean by the full strength the registered strength of the Republican party in that precinct at that election?—A. I mean the entire voting strength in that precinct. They registered every vote in the precinct.

Q. Was there any disorder at the polls during the casting of the vote on that day, the counting of the vote that day, and the returning of the vote that day, November 8, 1894?—A. No, sir; there was not of any description.

(At this point the witness proposes to go further and to state that there were statements made there by himself and others which the counsel for the contestant objects to upon the ground that it is hearsay testimony, irrelevant and consequently not permissible. Objection by counsel for contestant is overruled by the notaries, Fowler and Wallace. Notary Wallace giving as his reason that the question having been answered by the witness and without being made at that time a part of the record. Notary Wallace overruled the objection on the ground that the answer as stated is immaterial. Notary Fowler overruled the objection on the ground that the witness stated that his answer was incomplete.)

A. That we would not have been afraid to have taken our wives to the polls and kept them there all day, as there was not an oath or a harsh word uttered during the entire election.

Q. Who appointed you registrar?—A. Was appointed registrar by the register of deeds, by Colonel Taylor, and by the chairman of the county commissioners.

Q. What is the politics of the clerk, Mr. John D. Taylor, who appointed you?—A. So far as I know he is a Democrat.

Q. What is the politics of the chairman of the board of commissioners?—A. I don't know. I can't tell what his politics are.

Q. Did you ever vote for a Republican?—A. No, sir.

Q. Did you ever vote for a Populist?—A. No, sir.

Q. Well, Mr. Taylor was the Democratic candidate for clerk; was he not?—A. He was, sir.

Q. Mr. Roger Moore was the Democratic candidate for one of the commissioners of the county, was he not?—A. I don't know.

Q. Who were the Democratic candidates for commissioners of the county of New Hanover at the late election?—A. I do not know.

Q. Who was the Democratic candidate for clerk of superior court for New Hanover County at the late election?—A. I couldn't tell you.

Q. Who was the Democratic candidate for sheriff at the late election?—A. Walter G. MacRae.

Q. Who was the Democratic candidate for senator?—A. I think his name was Davis, from Brunswick County.

Q. Who were the Democratic candidates for the lower house of the general assembly, or house of representatives, of North Carolina?—A. Martin S. Willard and George Rountree.

Q. Did Mr. John D. Taylor have any opponent as candidate for clerk of the court of New Hanover County at the late election?—A. I do not know, sir.

Q. Did Mr. Walter G. MacRae have any opponent as candidate for sheriff of New Hanover County at the election?—A. No; because they couldn't find a man competent to fill the office in the whole Republican party.

Q. Who was the Democratic candidate for register of deeds for the county of New Hanover at the late election?—A. W. H. Biddle.

Q. Did Mr. Biddle have any opponent as candidate for the office of register of deeds of New Hanover County at the late election?—A. He did not.

Q. Was there any Republican county ticket for New Hanover County in the late election?—A. Not as far as I know.

Q. Was there any Populist county ticket in the late election?—A. No.

Q. Was there any Republican-Populist fusion ticket in New Hanover County in the late election?—A. Not that I know of.

Q. Now, Mr. Keen, I wish to ask you this question: Do you now know, of your own knowledge or by common rumor of the leaders of the Democratic party with whom you talked previous to the late election, occurring November 8, 1898, that for the sake of peace, and to avoid bloodshed in the city of Wilmington and county of New Hanover, it was agreed by leaders of the Republican party, including in their number the governor of the State of North Carolina, to the effect that the Republican party in the county of New Hanover were to have no ticket opposing the Democratic ticket naming candidates for the election to occur the 8th day of November, 1898?—A. I do not know any such thing, sir.

Q. Did you not hear this by general rumor?—A. No, sir; I never heard of any such thing in my life.

Q. Mr. Keen, were you a member of what is known as the White Government Union?—A. I was not.

Q. Did you have any employees under you?—A. I did not.

Redirect examination:

Q. State whether or not both parties—that is to say, the Fusion party and the Democratic party—did not have a candidate for the State senate, and for Congress, and for State officers voted for at this election.—A. They had a full State ticket.

Q. They had a Congressional ticket, too, and for State senate?—A. Yes, sir.

CHAS. H. KEEN.

Subscribed and sworn to before us this 28th March 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

At 6.20 p. m., upon the conclusion of the examination of Chas. H. Keen, court took a recess until 11 a. m., March 29, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

At 11 a. m., March 29, 1893, pursuant to the hour agreed upon on March 28, court reconvened, and contestant and contestee being both represented by counsel, the court proceeded to examine the following witnesses, namely, C. F. Craig and John R. Turrentine, who, being duly sworn, depose as follows:

C. F. CRAIG, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. C. F. Craig; 39; 716 North Sixth street, Wilmington, N. C.

Q. How long have you resided in Wilmington?—A. About thirty years.

Q. What official position, if any, did you hold at the election held on November 8, 1898?—A. I was registrar.

Q. In what precinct?—A. Second precinct of the First Ward.

Q. You say you were registrar; had you ever been registrar before, Mr. Craig?—A. Yes, sir.

Q. How often?—A. I couldn't tell; four or five elections prior to this election.

Q. Were you present all the day, performing your duties as an officer of election, on the 8th day of November, 1898?—A. Yes, sir.

Q. How was the election in your precinct conducted?—A. Fairly and squarely.

Q. Will you state whether or not the full voting strength of the precinct was cast?—A. Yes, sir.

Q. State whether or not there was any intimidation.—A. There was not on election day at the precinct.

Cross-examination:

Q. Mr. Craig, what are your politics?—A. Democratic.

Q. How long have you been a voter?—A. About seventeen years.

Q. Have you always voted the Democratic ticket?—A. Yes, sir.

Q. Who appointed you registrar of election for the election held November 8, 1898?—A. I couldn't say who appointed me.

Q. Why can't you say who appointed you?—A. Because the notice was served on me by deputy sheriff; I don't know who appointed me.

Q. Did you seek to inform yourself of your duties as registrar?—A. I did.

Q. Did you read the election law for which you were appointed; to assist in the execution of?—A. Certain sections.

Q. What sections did your observation fail to view?—A. That I can't answer.

Q. In short, do you not know the fact that you were appointed by Mr. John D. Taylor, the clerk of the superior court; Col. Roger Moore, chairman of the board of county commissioners, and Chas. W. Norwood, register of deeds, all of the county of New Hanover?—A. I do not.

Q. Do you not know that the election law, under which you were supposed to act, provided that the appointment of the registrars of election as well as judges of election should be made by the clerk of the superior court, the chairman of the board of county commissioners, and the register of deeds of the county of which such proposed registrars and judges of election resided?—A. I did not.

Q. Who were clerk of the superior court, chairman of the board of county commissioners, and register of deeds of the county of New Hanover at and just previous to your appointment as registrar of election?—A. I wouldn't swear as to who was clerk of the superior court at that time. At that time I don't know if Foster or the other man was chairman of the board of county commissioners. I couldn't swear to who was register of deeds.

Q. Witness, was not Col. John D. Taylor, the Democratic nominee and candidate for clerk of the superior court of the county of New Hanover, standing for election November 8, 1898?—A. I think he was.

Q. Witness, was not Col. Roger Moore, the Democratic nominee and candidate for election as commissioner, standing for such election November 8, 1898?—A. I think he was.

Q. Who is the present clerk of the superior court of the county of New Hanover?—A. I do not know; I suppose that Colonel Taylor is.

Q. Who is chairman of the present board of county commissioners of New Hanover County?—A. I suppose Mr. Moore.

Q. Do you know whether he is or not?—A. No; I do not know positively that Moore is chairman.

Q. Do you know the relative strength of the Democratic, Republican, and Populist parties of your precinct?—A. I do not.

Q. Do you know what it was at the time of the late election, held November 8, 1898?—A. The returns will show that; I do not know.

Q. Do you know what such relative strength of the parties named was at previous election, held at your precinct in which you officiated as an election officer, to wit, registrar?—A. No; I don't keep any records from one to the other.

Q. Were you a member of an organization known as the White Government Union existing at and previous to the late election of November 8, 1898?—A. I was not.

Q. Was there, of your knowledge, such organization in existence in your ward or precinct of the city of Wilmington at and previous to such election?—A. I do not know.

Q. Were you confined to your room with sickness during the months of September, October, and November, 1898?—A. I was not.

Q. Were you in active and official life during the time mentioned, and in the city of Wilmington?—A. I was.

Q. Did you have in your possession any firearms previous to, at, and immediately after November 8, 1898? And if so, state what character.

(Counsel for contestee object to so much of this question as asks witness if he had in his possession firearms after November 8, 1898.

Objection sustained by Mr. Fowler and overruled by Mr. Wallace.)

A. I didn't have any.

Q. Now, Mr. Craig, I wish to ask you this question: Do you not know of your own knowledge or by common rumor of the leaders of the Democratic party with whom you talked previous to the late election, occurring November 8, 1898, that, for the sake of peace and to avoid bloodshed in the city of Wilmington and county of New Hanover, that it was agreed by leaders of the Republican party, including in their number the governor of the State of North Carolina, to the effect that the Republican party in the county of New Hanover were to have no county and legislative tickets opposing the Democratic ticket, naming candidates for the election to occur the 8th day of November, 1898?—A. No, sir; I do not.

Redirect examination:

Q. Mr. Craig, how many poll holders and judges of election were associated with you on the day of election?

(Contestant objects to the question upon the ground that it does not relate to any new matter brought out by him upon the cross-examination, and therefore not permissible upon redirect examination.

Objection overruled by Mr. Fowler and sustained by Mr. Wallace.)

A. There were four of them.

Q. Was there any Populists in that precinct?—A. No; because there were none in that ward.

Q. Was that the reason there was no Populist judge of election?—A. Well, there was none appointed there.

Q. Mr. Spears asked you about who was chairman of the county commissioners at that time. I ask you if there was not, about that time, a contest over the office of chairman of county commissioners for New Hanover County, and if it did not require the courts to decide who was?

(Contestant objects to the question upon the same ground given in the statement of objection last made by him.

Objection overruled by both notaries public.)

A. It did.

Here, at the conclusion of the redirect examination, contestant is permitted by the court to ask the following question:

Q. Was not the adjudication of the question of who comprised the board of county commissioners of New Hanover County settled previous to your appointment as registrar, and was not such adjudication in favor of the Democratic board appointed by the clerk of the superior court as provided by law?—A. I do not know.

C. F. CRAIG.

Sworn and subscribed to before us this 29th day of March, 1899.

[SEAL.]

[SEAL.]

JNO. J. FOWLER,

T. E. WALLACE,

Notaries Public.

JOHN R. TURRENTINE, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. John R. Turrentine; 814 Market street, Wilmington, N. C.; age, 52.

Q. What is your business?—A. I am a broker.

Q. Mr. Turrentine, for how many years have you been a resident of the city of Wilmington?—A. Since the war.

Q. Where were you on the day of November 8, 1898?—A. I was at the polls all day in the upper division of the Third Ward, on Eighth and Princess streets.

Q. Were you present at the upper division of the Third Ward until after the returns of that precinct were completed?—A. I was.

Q. Mr. Turrentine, what do you mean by the upper division of the Third Ward?—
A. I mean the precinct of the second division of the Third Ward.

Q. Please state how the election in the second division of the Third Ward on November 8, 1898, was conducted.—A. I should say fair, quiet; in fact, unusually orderly.

Q. Did you or did you not observe any attempt made by force or intimidation to prevent any qualified voter from casting his vote at that precinct on that day?—A. I do not.

Q. Please state, if you know, what the personnel of the board of election officers in that precinct as to parties was.—A. I think that there were six; composed of two each of Democrats, Republicans, and Populists.

Q. State, if you know, whether or not the Republicans and Populists of this county were working in unison, and what party or parties were supporters of Oliver H. Dockery for Congress.—A. I suppose that the Republicans and Populists were fused and supported Dockery.

Q. Do you not know or do you know that Oliver H. Dockery was the Fusion candidate for Congress in this district?—A. It was my impression that he was.

Q. Do you know whether the Republicans and Populists had canvassers working in that precinct for Oliver H. Dockery and others on the Republican and Populist ticket in that precinct on November 8, 1898?—A. They did. I saw them distributing tickets.

Q. Please state, if you know, whether the second division of the Third Ward is a Democratic or a Republican or a Fusionist precinct.—A. It is a Democratic precinct.

Q. A heavy one or a small one?—A. Largely Democratic.

Cross-examination:

Q. What official position, if any, did you hold at that election occurring November 8, 1898?—A. None at all.

Q. In whose interest did you spend the entire election day spoken of at the polling place named?—A. In my own interest.

Q. Were you a candidate for office? If so, state what position or place you sought.—
A. I was not.

Q. In whose interest as a candidate or candidates did you work on that day?—A. For the Democratic party.

Q. How long have you been a Democrat?—A. From my infancy up.

Q. Did your political work on that day average up to the usual efforts made by you in the interest of your beloved party on previous and like occasions?—A. I hope it did.

Q. Were they in the least excessive of your usual efforts?—A. Not that I know of.

Q. Then, you have been a most enthusiastic political worker during every campaign of your past life in the interest of Democracy?—A. I did not say anything of the kind.

Q. What do you now say in response to the question?—A. I have given an answer to that question.

Q. Have you ever been a candidate for office?—A. I never have and never would have.

Q. Have you sought the procurement of appointive place or office?—A. Never in my life.

Q. Were you the owner of firearms at and previous to the election that occurred November 8, 1898? If so, state of what character such arms consisted?—A. two or three double-barrel shotguns, one single-barrel shotgun, a Winchester rifle, and, I think, two or three pistols.

Q. Did you at any time just previous to the election that occurred November 8, 1898, publicly carry upon any street or public highway of the city of Wilmington or the county of New Hanover any of the guns mentioned by you as owned by you?—
A. I did not.

Q. Did you immediately after such election carry any of such arms upon any street or highway of Wilmington or New Hanover County?

(Objected to by contestee upon the ground that the question and answer is not calculated to throw any light upon the inquiry being made in this controversy.

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. What do you mean by immediately after the election? (Inquiry of witness.)

Q. By immediately after election I mean during the excitement and riot occurring between the 8th and 12th of November, 1898. (Explanation of counsel for contestant.)

(Counsel for contestee object to the form of the question as asked by counsel for contestant, in that it involves matters that occurred subsequent to the election decided November 8, 1898.)

A. I decline to answer the question in that shape, because I did not know there was any riot in Wilmington, and to answer your question I would have to admit there was a riot.

Q. Did you between the 8th and 13th of November, 1898, carry publicly upon the streets of Wilmington, N. C., or any highway of the county of New Hanover any of the firearms mentioned by you as owned by you?

(Objected to by contestee upon the ground that it refers to matters occurring subsequent to the election.)

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. After the 9th, I did.

Q. Mr. Turrentine, who was the clerk of the superior court of New Hanover County, and what were his politics previous to and during the election and campaign of 1898 of the county of New Hanover?—A. Col. John D. Taylor, and a Democrat, too.

Q. Was he not a candidate for reelection, and as such candidate was he not the nominee of the Democratic party of New Hanover County?—A. I think he was.

Q. Who was the chairman of the board of county commissioners of New Hanover County at the time of the appointment of registrars and judges of election?—A. I am not positive, but I think Col. Roger Moore was.

Q. What was Colonel Moore's politics?—A. Democrat, I think.

Q. Was he not the Democratic candidate and nominee for election to the office of county commissioner standing for election November 8, 1898?—A. I think he was.

Q. Who is the present clerk of the superior court, of New Hanover County?—A. Col. John D. Taylor.

Q. Who is the present chairman of the board of county commissioners of New Hanover County?—A. Col. Roger Moore.

Q. Now, Mr. Turrentine, I wish to ask you this question: Do you not know of your own knowledge or by common rumor of the leaders of the Democratic party with whom you talked previous to the late election occurring November 8, 1898, that for the sake of peace and to avoid bloodshed in the city of Wilmington and county of New Hanover, that it was agreed by leaders of the Republican party, including in their number the governor of the State of North Carolina, to the effect that the Republican party in the county of New Hanover were to have no county and legislative tickets opposing the Democratic ticket naming candidates for the election to occur the 8th day of November, 1898?—A. I think that was the rumor; don't know of it of my own knowledge.

Q. Have you ever known an election previous to the one referred to occurring November 8, 1898, in which there was not a Republican ticket, county ticket, as well as legislative ticket, standing for election in the county of Hanover?—A. I don't remember of any.

Q. Is it not a fact that within your recollection, without an exception, every campaign an election held for and in the county of New Hanover there has been a Republican ticket for county and legislative offices?—A. I don't remember of any election in which there was not a Republican ticket previous to that last election.

Q. What explanation, if any, do you give for the unusual fact that the campaign and the election conducted and held in and for the county of New Hanover presented no ticket for county and legislative office against the Democratic ticket?—A. I should say on the demoralization of our local government.

Q. Is it not also a fact that the condition existing put the party leaders and others of the Republican party in fear of trouble and bloodshed on account of declarations made by representative Democrats that the Democratic party should win in that election occurring November 8, 1898, at all hazards and at any cost, or substantially such declared purpose upon the part of leading and representative Democrats?—A. It was not. I heard of no such threat as contained in your question.

Q. Then you were not present at the city hall or opera-house in the city of Wilmington on the occasion when Col. Alfred M. Waddell, a Democratic canvasser and speaker and the present mayor of the city of Wilmington, chosen by a primary election and the regular official election as mayor of the city of Wilmington, upon the occasion when he substantially stated that the Democrats, the white people, would win in the approaching election by peaceable means, if possible, but that they would win if it required that Cape Fear River should be filled with the carcasses or bodies of dead negroes?—A. I was not.

Q. Is it not a fact that there was trouble of political and racial character amounting to the loss of life and property in the city of Wilmington occurring between the 8th day of November and the 13th day of November, 1898?

(Counsel for contestee object to the question on the ground that it is irrelevant and immaterial, as it refers to matters subsequent to the 8th day of November, 1898, the day on which the election occurred.)

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. As a fact, I do not know, not seeing a gun fired, nor did I see a dead body.

Q. Mr. Turrentine, were you a member in good standing of an order or organization, political in character, known as the White Government Union, existing at or just previous to November 8, 1898?—A. I am not and never was.

Redirect examination:

Q. Witness, you stated in your cross-examination that you did not remember the Republican party ever before having failed to place a ticket in the field in this county. Now, I ask you for the purpose, if possible, of refreshing your memory, do you recollect, or do you not recollect, that four years ago Col. John D. Taylor, the Democratic candidate, had no opposition in this county for the position of clerk of the superior court?—A. I do remember it now since you recall the fact to me.

Q. Do you recollect now, refreshing your memory, that the Republican party placed no one in nomination in opposition to John Harr, the Democratic candidate for register of deeds in this county four years ago?—A. I remember that now, which I had overlooked in the question by Mr. Spears.

Q. Do you recollect or not that the Republican party failed to place in nomination in this county any candidate in opposition to Herbert McClammy, the Democratic candidate for the general assembly four years ago?—A. I remember now he had no opposition.

Q. Refreshing your memory, do you recollect or not that in 1892 the Republican party failed to place in nomination any candidate for county offices in opposition to the Democratic candidates, among which Frank Stedman was the Democratic candidate for sheriff of this county, H. John Harr for register of deeds, Edgar Parmele and Giles Westbrook for members of the general assembly, and George Morton for the State senate?—Yes; I had overlooked that fact when I made my answer to Mr. Spears.

Q. Witness, you stated in your cross-examination that you had at your house a number of shotguns, double and single barrel. Now, I ask you how many, if any, grown sons there are in your family?—A. Four.

JOHN R. TURRENTINE.

Sworn and subscribed to before us this 29th day of March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

At 1.30 p. m. court took a recess until 11 a. m. March 30, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

At the convening of the court on the morning of March 30, at 11 o'clock, according to the hours of adjournment agreed upon in the session of March 29, 1899, and before the examination of any witnesses, John R. Turrentine appeared in court and asked permission to make a statement in explanation and correction of certain evidence given in by him in his testimony on March 29, 1899, and his request being allowed by Notaries Fowler and Wallace and without objection of counsel of contestant, he proceeded to make the following explanation:

Mr. Spears asked me yesterday the following question:

Q. Mr. Turrentine, I wish to ask you this question: Do you not know, of your own knowledge or by common rumor of the leaders of the Democratic party with whom you talked previous to the late election occurring November 8, 1898, that for the sake of peace and to avoid bloodshed in the city of Wilmington and county of New Hanover, that it was agreed by leaders of the Republican party, including in their number the governor of the State of North Carolina, to the effect that the Republican party in the county of New Hanover were to have no county and legislative tickets opposing the Democratic ticket, naming candidates for the election to occur the 8th day of November, 1898?

To that question I will answer that I knew as far as rumor, not of my own knowledge, that there was an agreement made by which the Republican party would not put out an opposition ticket in the county or legislative election; but as far as to prevent bloodshed is concerned, I knew or heard nothing of the agreement being made on that account.

Cross-examination:

Q. Mr. Turrentine, when and by whom was your attention called to the answer given yesterday to the question just recited?—A. While reading the evidence as given in by myself I noticed it. At the same time my attention was called to it by Mr. Peschau while we were reading it together and before I signed it, but I had asked one of the court or commissioners if I could come before them this morning and explain my answer.

Q. To which member of the court did you make this appeal, and what answer did you receive from him?—A. Mr. John J. Fowler, and his answer was that he thought there would be no objection to it.

Q. Then, with this knowledge of the full purport of the question and the exact answer given by you to the same, you affixed your signature to the depositions?—A. From the fact that it was a part answer to this question, I did, as the majority of Mr. Spears's questions were so long and confounding that it would be impossible to answer same intelligently without an explanation.

JOHN R. TURRENTINE.

Sworn and subscribed to before us this 30th day of March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

At 11 a. m. on March 30, according to the hour agreed upon for the reconvening of court on March 29, 1899, the court reconvened, contestant and contestee being represented by counsel, and thereupon John R. Turrentine, a witness examined on March 29, having appeared in open court and stating to the notaries that he wished to make a statement in explanation of certain evidence given in his deposition of March 29, and having proceeded to do so, and having made such explanation as is attached to the testimony preceding; then the following witnesses, George T. Bland and George W. Millis, were duly sworn and examined.

GEORGE T. BLAND, being duly sworn, deposes and says:

Q. Please give me your name, age, occupation, and residence.—A. George T. Bland; age, 25; city soliciting agent of the Armour Packing Company, 815 North Fourth street.

Q. Where were you the day of election—the 8th of November, 1898?—A. At the first precinct of the First Ward.

Q. Who were the poll-holders in that precinct?—A. N. J. Williams, M. E. Guy, and F. T. Skipper.

Q. They were Populists, Democrats, and Republicans?—A. Yes, sir.

Q. Were you there all during the day?—A. Yes, sir; I was.

Q. How was the election conducted?—A. Fair and openly, quietly and honestly as any election or any business transaction could have been transacted.

Cross-examination:

Q. Where were you raised?—A. I was raised in Sampson County until I was 12 years old; have been here since.

Q. Did you hold any official position at that election?—A. Yes, sir; I did.

Q. What official position did you hold at that election?—A. Registrar.

Q. Who appointed you to the office of registrar of and for the election referred to, held on November 8, 1898?—A. C. W. Norwood, colored, register of deeds; Col. John D. Taylor, clerk superior court; and the chairman of the board of county commissioners. I can't swear who was chairman at that date, as there were two or three suits brought for the position.

Q. And you do not know who was chairman de facto or de jure of the board of county commissioners of New Hanover County at the date of your appointment as such election officer, registrar of election?—A. Col. Roger Moore, I believe, was acting as chairman; whether the suit had fully been decided or not I am unable to say.

Q. Aren't you prepared to say that Col. Roger Moore was at the time acting chairman of the board of commissioners of New Hanover County, and as such affiliated and acted with Register Norwood and Clerk Taylor in making your appointment with other like officers of election in and for the county of New Hanover for the election and preparatory work thereof which occurred on November 8, 1898?—A. As just previously stated, I think he was acting as such, but whether or not the suit in court was decided or not I am unable to say. I do not know.

Q. Who was the Democratic nominee and candidate for clerk of the superior court of New Hanover County standing for election at the election held in New Hanover County on November 8, 1898?—A. Col. John D. Taylor.

Q. Who was the Democratic nominee and candidate for commissioner to succeed Col. Roger Moore as such officer at the election referred to?—A. Col. Roger Moore.

Q. Who is the present clerk of the superior court of New Hanover County and who is the present chairman of the board of county commissioners of New Hanover County?—A. Col. John D. Taylor was clerk of the superior court of New Hanover County and is now. Col. Roger Moore is chairman of the board of county commissioners.

Q. Were you a member of the White Government Union previous to and at the late State election, occurring November 8, 1898?—A. Yes, sir; I was.

Q. Were you the owner of any firearms during the months of September, October, and to the 8th day of November, 1898? If so, please state what character firearms you did thus own.—A. One gun; a breechloader.

Q. Rifle or shotgun, and what make?—A. Shotgun; do not know the make.

Q. For how long have you owned this gun?—A. Do not know, sir; for quite a while.

Q. Now, Mr. Bland, I wish to ask you this question: Do you not know of your own knowledge or by common rumor of the leaders of the Democratic party with whom you talked previous to the late election, occurring November 8, 1898, that for the sake of peace and to avoid bloodshed in the city of Wilmington and county of New Hanover, that it was agreed by leaders of the Republican party, including in their number the governor of the State of North Carolina, to the effect that the Republican party in the county of New Hanover were to have no county and legislative tickets opposing the Democratic ticket naming candidates for the election to occur the 8th day of November, 1898?—A. No, sir; I do not know of any such rumor, nor party nor politician talking of such. The first I heard of this was Mr. Spears, attorney for the contestant, propounding the question on the 28th day of March, 1899, to Mr. Love, a witness for the contestee, and the witness denied, which I do also, of having any knowledge of that talk.

Q. Did Mr. Oscar J. Spears, counsel for the contestant, also first inform you of the fact that the Republican party of the county of New Hanover had no county nor legislative ticket standing for election November 8, 1898; or did you, if you know such to be the fact, learn it otherwise than of him and previous to the 28th day of March, 1899?—A. I did not know anything about the Republicans were to put out no ticket until the day of election, as there was no ticket there, but as to the talk of bloodshed and such like, I did not know of that until the 28th day of March, 1899.

Q. Do you not know as a fact that serious political and racial trouble were, if not anticipated, feared to occur about the 8th of November, 1898?—A. I did not anticipate or have any fear of any trouble or violence at all.

Q. Do you not know the fact that there was a rapid-fire gun or guns, with a good supply of ammunition for the same, purchased and in the hands of Democrats of this city of Wilmington with the declared purpose to be used in the event of their being necessary to serve their purpose in securing Democratic success in New Hanover and especially in the city of Wilmington, N. C.?—A. No, sir; I was not aware of any such.

Q. Did you or did you not see such gun or guns referred to in the last question?—A. No, sir; I did not, nor have not.

Q. Do you not know by general admission and rumor uncontradicted and undisputed that such gun or guns, with a supply of ammunition therefor, was in the city of Wilmington on or about and just previous to November 8, 1898?—A. No, sir; I did not know of any such by rumor or otherwise.

Q. Did you ever hear anyone admit or state of the presence of any such firearms with ammunition therefor being in the city of Wilmington at or about the time of the late election?

(Objected to by contestee on the ground that it is hearsay and incompetent.

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. I do not remember positively whether I did or not, as I pay very little attention to rumors and street talk, as my business generally keeps my brain taxed to its fullest capacity.

Q. Mr. Bland, were you not a regular reader of one if not more of the newspapers of the city of Wilmington previous to and about the election that occurred November 8, 1898?—A. No, sir; I was not, as my hours of business is from twelve to fourteen hours each day. It is a seldom occurrence for me to read newspapers.

Q. However, did you not, as a casual reader, peruse any article of any paper published in this city declaring the presence of such weapon referred to, with possibly a description of the same?—A. I did not have time to spare to devote to such purpose.

Q. Were you largely employed during the time provided by the election law in your official work as registrar of election?—A. I was, only on registration days and Sundays, and Sundays I very seldom spend in the city. I don't understand the question.

Redirect examination:

Q. The last question asked you by counsel for contestant was in effect whether you were largely employed in your official work as registrar of election during the term provided by the election law. Explain your answer to this question as given before?—A. I devoted my attention and time on registration and election day for that purpose.

Q. Was there not at the last election a Republican ticket for judicial officers and State senator from this senatorial district, and Congressman from this Congressional district, and were not those tickets voted for by the Republicans?—A. There was, and was voted for on the Republican ticket, State and Congressional officers; but do not remember all names.

Q. Was there not a Republican candidate for Senator from this senatorial district, and was he not voted for by the Republicans?—A. Yes, sir; Mr. R. B. Davis, I think, was a candidate on the Republican ticket for said office.

Q. Was he not also the Populist candidate?—A. Yes.

GEO. T. BLAND,

Sworn and subscribed to before us this 30th day of March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

GEORGE W. MILLIS, being duly sworn, deposes and says:

Q. What is your name, age, and your place of residence, and occupation?—A. Name, George W. Millis; age, 28; residence, 821 Wooster street, Wilmington, N. C.; occupation, contractor and painter.

Q. Where were you on the 8th day of last November?—A. I was in the fourth precinct of the Fifth Ward.

Q. What position did you occupy on this day—the 8th of November, 1898?—A. I was registrar.

Q. Did your duties require you to be present and were you present during that day—November 8, 1898.—A. I was.

Q. How was the election conducted that day in your precinct?—A. Fair and square.

Q. Did you observe any attempt made that day at violence or intimidation on any qualified voter in your precinct?—A. None whatever.

Q. Was any attempt made that day in your precinct to prevent any qualified voter from exercising his privilege to vote, by fraud or intimidation?—A. There was not.

Q. What was the personnel of your board as to parties?—A. Two Republicans, two Democrats, and two Populists.

Q. What is the political complexion of your precinct, Republican or Democratic?—A. Largely Republican.

Q. Was there a full vote polled by both parties in your precinct?—A. Very nearly.

Cross-examination:

Q. Mr. Millis, what is your politics?—A. Democrat.

Q. How long have you lived in the city of Wilmington?—A. All my life.

Q. I believe you stated you held an official position as registrar. Please state how many votes cast at the late election, November 8, 1898.—A. I think between 350 and 360 Republicans and 44 Democrats.

Q. Who appointed you registrar of election?—A. I don't know, sir; wasn't there when they appointed me; notice was served on me by the deputy sheriff.

Q. Do you know who was chairman of the board of county commissioners, clerk of the superior court, and register of deeds at the time you were appointed?—A. Col. John D. Taylor was clerk, Charles W. Norwood register of deeds. I don't know who the chairman of commissioners was.

Q. Were you furnished with a copy of the election law?—A. I was.

Q. Did you seek to inform yourself as to your duties as registrar of election?—A. I certainly did.

Q. Did you read the election law carefully? If so, state what sections.—A. I don't remember the sections.

Q. Did you perform all the duties required of you by law?—A. I certainly did, very carefully.

Q. Were you a member, Mr. Millis, of a political organization known as the White Government Union in your ward or precinct?—A. I was.

Q. Did you own any firearms at or previous to the day of election, November 8, 1898? If so, please state of what character.—A. I did not.

Q. Do you know, of your own knowledge, of a rumor or rumors that for the sake of peace and to avoid bloodshed in the city of Wilmington and county of New Hanover that it was agreed by leaders of the Republican party, including the governor of the State of North Carolina, to the effect that the Republican party in the county of New Hanover were to have no candidates for the legislative ticket opposing the Democratic ticket naming candidates for the election to occur November 8, 1898?—A. Did not know anything of the kind.

Q. Do you not know as a fact that serious political and racial troubles were feared in the city of Wilmington previous to the election of November 8, 1898?—A. I do not.

Q. Did you not see a rapid-fire gun or guns, or hear of the same being brought to Wilmington previous to the election of November 8, 1898?

(Counsel for contestee object to so much of this question as asks witness to state if he has heard of such rumor or fact.

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. I did not.

Q. Did you not hear that such gun or guns were brought to the city of Wilmington for such purpose?

(Counsel for contestee object to this question on the ground that it is mere hearsay and inadmissible.

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. I did not hear anything about it.

Q. Mr. Millis, did you or did you not wear a red shirt previous to and just before the day of election?

(Counsel for contestee object to the question on the ground that it is immaterial and irrelevant.

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. Yes, sir; I wore a red shirt many a time previous to the election, and since, too.

Q. Did you or did you not belong to an organization in the Fifth Ward who wore as a mark of distinction of their order or organization, political in character, red shirts; and did you not, in conformity with the uniform of such order, wear red shirts previous to the election?

(Counsel for contestee object to the question on the ground that it assumes the existence of such an organization, and that there is no proof whatever that such organization did in fact exist.

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. I did not belong to such order.

Q. Did you not in a procession on Thursday, previous to the election of November 8, 1898, wear a red shirt in such procession—in a political procession in the city of Wilmington?

(Counsel for contestee object to this question on the ground that it is immaterial and entirely irrelevant.

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. I did. Would like to explain that. The red shirt that I wore on that day I had worn a good many times before that day for the purpose of an overall shirt in roof painting, and on that day I was painting a roof for Mr. Walter L. Parsley, at Hilton, where this barbecue took place, and I walked from there over to the barbecue, and after it was over returned to my work.

Q. Was it not the regulation red shirt commonly used by what is known as the Red Shirts when in procession—common about the time and previous to the election held November 8, 1898; and was it not to be in conformity with such uniform procession that you wore the same on that date?

(Counsel for contestee object to this question on the ground that it assumed the existence of a uniform red shirt brigade, and that there is no evidence whatever of the existence of such organization.

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. It was not; I had that red shirt two months before I ever saw a Red Shirt.

Q. Did you not join that procession together with others wearing red shirts, and were you not immediately surrounded and in company with others wearing red shirts on that occasion referred to?

(Objected to by counsel for contestee on the ground that it is a mere repetition of the question as previously answered by the witness, and counsel for contestee do hereby protest against the unnecessary consumption of time in the asking of such questions by counsel for contestant.

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. I can't say I was in company with them at all. I saw people with red shirts on, but as far as joining in with them, did not do so. I had my work to attend to and didn't take any part in it.

Q. Did you ever march in procession with red shirts, previous and about the time of the election referred to, with a red shirt on yourself?

(Counsel for contestee object to this question on the ground that it is a mere repetition of the question asked and answered by the witness when he stated in answer to the question above that he went from Hilton to a barbecue and returned to his work, and counsel for contestee herewith renew their protest against the tactics adopted by counsel for contestant in consuming so much unnecessary time.

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. I did not, and in no other election.

Redirect examination:

Q. Witness, do you know of any attempt made on the part of the Democrats of this county, previous to or on the day of election, to terrorize or otherwise intimidate

and prevent any Republican or Populist from casting his vote in the election held November 8, 1898?—A. I do not.

GEO. W. MILLIS.

Sworn and subscribed to before us this 30 day of March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

At 1.45 p. m., upon the conclusion of the testimony of George W. Millis, the court took a recess until 4 p. m., March 30, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

WM. A. WRIGHT, being duly sworn, deposes and says:

Q. Mr. Wright, please give us your name, age, place of residence, and occupation.—A. William A. Wright; age, 52; 601 Market street, Wilmington, N. C.; farmer.

Q. Where were you on the 8th of last November?—A. At the fifth precinct of the First Ward.

Q. In what capacity?—A. Registrar.

Q. Were you there all day?—A. All day.

Q. Please state how the election was conducted?—A. Quietly and peaceably, sir.

Q. Was there any violence or intimidation to prevent persons from voting the Populist or Republican tickets?—A. No violence, but intimidation.

Q. How was that?—A. The voters were not allowed to vote as they pleased.

Q. Please explain your meaning?—A. One Republican who had determined and so stated at the registration, and at which time I had cautioned him about his statement, at the day of voting he remarked he couldn't vote as he wanted to because he had been threatened.

Q. For whom did he want to vote?—A. He wanted to vote, he said, the Democratic vote, and on the day of election I watched him and he voted the Republican ticket. I said, "You are not voting as you stated when you registered." I asked him why. He said there were too many around of the party that had threatened him; and also one other Republican stated to me, while putting in his vote, "I have voted the Republican ticket except one vote for Mr. Bellamy, and there are plenty of others that would vote that way if allowed."

Q. Were those voters white or colored?—A. Colored.

(This evidence is permitted under protest of Oscar J. Spears, John F. Musselwhite, of counsel for contestant, for the reason that it is hearsay and therefore incompetent.)

Q. Mr. Wright, was there any intimidation to prevent the Republicans from voting the Republican ticket?—A. No, sir.

Q. Was there any intimidation to prevent the Populists from voting the Populist or Fusion ticket?—A. There was not.

Q. Will you please state whether, in other respects than those you refer to, that election was free and fair?—A. It was.

Q. Was that a Republican or Democratic precinct, and what was the relative strength of the two parties?—A. Republican, between 9 and 10 to 1.

Q. Was there a full vote cast—about how many votes were cast for Bellamy and how many for Dockery?—A. To my best recollection, 332 Republicans for Dockery, 29 for Bellamy.

Cross-examination:

Q. Who appointed you registrar of election in 1898?—A. I don't know.

Q. Did you have a copy of the election law furnished you?—A. Yes, sir.

Q. Did you make a study of that election law?—A. Yes, sir.

Q. Do you know how that election law provided for your appointment as registrar in the particular of stating in what officials of the county was vested the appointive power?—A. I read the law, but I don't know now.

Q. Who was clerk of the superior court of New Hanover County, and who was chairman of the board of county commissioners of the same county at the time of your appointment as registrar of elections?—A. John D. Taylor, clerk of the court; and there being a controversy about that time as to the chairman of county commissioners, I do not know who was.

Q. Who were the Democratic candidates, respectively, to the offices of clerk and commissioners of New Hanover County standing for election November 8, 1898?—A. John D. Taylor was clerk, Roger Moore, W. F. Alexander, and John Barry for commissioners.

Q. Who was chairman of the board of county commissioners at the time of the election occurring November 8, 1898?—A. As there was a controversy about that time, I do not know.

Q. Who is the present chairman of the board of county commissioners of New Hanover County?—A. Roger Moore.

Q. Now, Mr. Wright, to refresh your memory in regard to the question as to who was chairman of the board of commissioners of New Hanover County, I will ask you, sir, if you do not know, as a fact, that Col. Roger Moore acted as chairman of the board of county commissioners on Monday, the 7th day of November, the day preceding the election on the 8th day of November, 1898?—A. I do not.

Q. Were you a member of the White Government Union that existed in this city and elsewhere in the county of New Hanover during a part, if not all, of the campaign preceding the election which occurred November 8, 1898?—A. No, sir.

Q. Did you have in your possession any firearms at or previous to such election? If so, state what they were.—A. One broken gun; two pistols too rusty to use.

Q. Anything more?—A. That is all, sir.

Q. Was the gun repaired and the pistols prepared for action about the time referred to?—A. They are now lying or standing in the same condition.

Redirect:

Q. Were you notified of your appointment as registrar by an officer, and did you qualify according to law?—A. Being out of town was first notified by letter, and on arrival in town by the officer and qualified before the clerk of the court, John D. Taylor.

Q. How many poll-holders and judges of election were there at your precinct on that day?—A. Six.

Q. To what parties did they belong?—A. I can't state that positively. Two Democrats, two Republicans, and one Populist, and one Republican, posing as Populist, and objected to by the other members of the board on account of his change in politics, apparently to all three sides for that day.

WILLIAM A. WRIGHT.

Sworn and subscribed to before us this 30th day of March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

T. JEFF. SMITH, being duly sworn, deposes and says:

Q. What is your name, age, place of residence, and occupation?—A. T. Jeff. Smith, 616 Dock street, Wilmington, N. C.; age, 58; engineer.

Q. Where were you on the 8th of last November?—A. At the second division of the Fourth Ward.

Q. In what capacity?—A. As one of the registrars.

Q. Were you there all day?—A. Yes, sir.

Q. How many judges of election and poll holders were there?—A. There were five.

Q. How were they divided, with reference to parties?—A. Three Democrats and two Republicans.

Q. State how the election was conducted.—A. It was conducted very fair and very peaceable.

Q. State whether or not there was any intimidation of voters at that election.—A. There was none at all.

Q. How long have you lived in Wilmington?—A. Off and on, sir, about fifty years.

Cross-examination:

Q. Did you hold any official position at the election held November 8, 1898; and if so, what position?—A. I was one of the registrars.

Q. Were you all day during the day of election?—A. Was there all day, except during dinner.

Q. From whom did you receive your appointment?—A. Col. John D. Taylor, Col. Roger Moore, and Chas. Norwood, the register of deeds.

Q. Do you know of your own knowledge, or by rumor from the Democrats with whom you talked previous to the election of November 8, 1898, that for the sake of peace, and to avoid riot and murder, that there was an agreement existing between the Democratic leaders and the Republican leaders by which they were to be no Republican ticket in the county of New Hanover for members of the legislature?—A. I will tell you the rumor that I heard; that a deal had been made with Governor Russell that if the Democratic party would take down the two men that were up and put up other two that they would not put up a ticket. Mr. Peschau and Mr. Carr, the Democratic nominees for the legislature, were to be taken down and Mr. Rountree and Mr. Willard were put in their stead.

Q. Was not this agreement observed in good faith on the part of the Republicans.

and is it not a fact that the Republican party had no county ticket in New Hanover County?—A. There was no Republican county ticket that I know of.

Q. Do you know of any serious political trouble existing in the city of Wilmington on or about the election?—A. I do not know of any.

Q. Do you not know of your own knowledge that serious political and race troubles were feared and expected on or about the election?—A. I will tell you what I do know, sir: That this town was in a terrible condition; that the ladies were afraid to go on the street at night on account of the bad conduct of the negro element.

Q. Do you know the fact that there was a rapid-fire gun or guns, together with a good supply of ammunition for the same, and in the hands of the Democrats of the city of Wilmington, with the declared purpose to be used in the event of it being necessary to serve their purpose in securing Democratic success in New Hanover County, and especially in the city of Wilmington?—A. I do not know that to be the case. I never saw the gun myself; never have seen it.

Q. Do you not know of it by general admission of the Democrats with whom you talked and uncontradicted, that such gun or guns and ammunition were here?—A. All I know of it was rumor. I never saw the gun or the ammunition.

Redirect:

Q. You spoke of the deal by Governor Russell in your cross-examination to the effect that if Peschau and Carr, candidates for the legislature on the Democratic ticket, would be taken down and others nominated in their place acceptable to him, that no county Republican ticket would be run. I ask you if there was not a similar deal by Governor Russell in 1892 and 1894 in the election of those years?—A. Yes, sir.

Q. Captain Smith, was there any rumor that a gun was brought to Wilmington to bring about the Democratic success during the election of last November?—A. There was none that I know of.

T. JEFF. SMITH.

Sworn and subscribed to before us this 30th day of March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

HENRY L. HEWETT, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. Henry L. Hewett; age, 28; 420 Church street, Wilmington, N. C.

Q. Where were you on the 8th day of November, 1898?—A. I was at the polls of the second division of the Fifth Ward, Wilmington, N. C.

Q. In what capacity?—A. I was one of the registrars.

Q. How many registrars and poll holders were there?—A. Five, besides myself.

Q. To what parties did they belong?—A. Two to the Democratic, two Republicans, two Populists.

Q. How was the election conducted in that precinct?—A. Fair, square, and quiet.

Q. Was there any intimidation or violence or anything done by anybody to prevent a fair and square election?—A. No, sir.

Q. Were you there all day?—A. I was.

Cross-examination:

Q. How long have you lived in the city of Wilmington?—A. All my life.

Q. How long have you been a resident of the Fifth Ward?—A. All my life.

Q. Did you belong to an organization known as the White Government Union?—A. I did.

Q. Did they wear a red shirt?

(Question objected to by counsel for contestee on the ground that it is immaterial and irrelevant.

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. Speaking of the Union, I can not say.

Q. Did you or did you not march in a procession on Thursday before the election who wore as a part of their uniform a red shirt?—A. I rode in a procession.

(Objected to by counsel for contestee on the ground that it assumes a red-shirt procession in the city of Wilmington on that day, and no evidence of the fact has so far been produced.

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. A few of them had red shirts.

Q. About how many wore red shirts in that procession?—A. I don't know; I never counted them.

Q. Witness, you were not asked to definitely state the number, but to approximate the same.—A. I couldn't say.

Q. Please state about what number you think were so dressed with red shirts?—
A. I can't say.

Q. Were there as many as a 100?—A. I can't answer that question.

Q. As many as 50?—A. Can't answer that question.

Q. Were there as many as 25?—A. Can't answer that question.

Q. Were there as many as 15?—A. There might have been 10 or 15, I can't say.

Q. Were there a dozen?—A. I think there were a dozen.

Q. Will you positively state that in your opinion there might not have been as many as 200?—A. I can't say.

Q. You mean you can not say that there may not have been as many as 200?—A. I can't say whether there were 200, or 25 or 10. I paid no attention to them; can't tell how many there were.

Q. Will you state positively that there was not as many as 500?—A. I will not so state; I don't know whether there were 500 or 1,000.

Q. Are you a Democrat, a Populist, or a Republican?—A. I am a Democrat.

Q. Did the gentlemen composing that procession referred to have on or about their persons, or did any part thereof, carry dangerous firearms?—A. I can't say.

Q. Did you see anyone or more of them in the procession with pistols or guns on their persons in that procession?—A. I think I did.

Redirect examination:

Q. You stated in your cross-examination that you were not positive as to the number of men wearing red shirts in a procession in the city of Wilmington on the Thursday before election. Did you or did you not say, however, that it was your impression that were only about 10 or 12 wearing red shirts at that time?—A. I said I didn't know exactly how many there were, there might have been 10, 15, or 20, I didn't pay any attention to how many there were.

Q. Mr. Hewitt, do you know where the procession spoken of in your testimony was going and for what purpose?—A. Yes.

Q. Was or was there not a barbeque and speaking at Hilton Park on that day, and was or was not a procession among which were scattered a few men wearing red shirts on their way to that barbeque?—A. There was.

Q. Mr. Hewitt, do you know of any violence or any attempted violence practiced by an organized body wearing red shirts in this community at any time previous to or on the day of election, occurring November 8, 1898?—A. I do not.

HENRY L. HEWITT.

Sworn and subscribed to before us this 30th day of March, 1899.

[SEAL.]

JNO. J. FOWLER.

[SEAL.]

T. E. WALLACE.

Notaries Public.

At 6 p. m., according to agreement, the court took a recess until the morning of March 31, at 11 a. m.

[SEAL.]

JNO. J. FOWLER.

[SEAL.]

T. E. WALLACE.

Notaries Public.

At 11 a. m., March 31, 1899, according to the hour agreed upon in the adjournment of March 30, 1899, court reconvened, contestant and contestee being represented by counsel, and thereupon proceeded to examine the following witness, namely, J. M. McGowan.

J. M. MCGOWAN, being duly sworn, says:

Q. What is your name, age, place of residence, and occupation?—A. J. M. McGowan; age 61 years; 713 Orange street, Wilmington, N. C.; justice of the peace and notary public.

Q. For how many years have you been a resident of the city of Wilmington, N. C.?—A. From 1866 up to the present time, except one year in the town of Wadesboro, and five months as local reporter of the Central in the city of Raleigh, and about one year in the town of Smithville, now Southport.

Q. Where were you on the 8th day of November, 1898?—A. I was at my office part of the time and part of the time on Seventh street, between Dock and Orange, at the polls of the third division of the Fifth Ward.

Q. Did you or did you not spend the major portion of the 8th day of November, 1898, at the third division of the Fifth Ward spoken of?—A. I did.

Q. How was the election in that precinct on the 8th day of November, 1898, conducted?—A. It was conducted fairly. I was informed by one of the colored poll holders named Dudley that it was the fairest election he ever saw. I heard other colored men say it was the quietest, fairest election they had ever seen for years.

Q. I ask you now, did you or did you not observe any act or attempt at intimidation at the precinct of the third division of the Fifth Ward at which you say you

were present on the 8th day of November, 1898?—A. I did not. Every colored voter who came forward to vote was treated with courtesy, and several of them voted the Democratic ticket without being asked to do so.

Q. Do you know what the personnel of the election board in the third precinct of the Fifth Ward was as to parties?—A. I do. There was one Democrat that I was sure of, one pronounced Populist, Cyl. Bryant, and the other was a Republican.

Q. Were there three or were there more election officers in that precinct?—A. I only recognized those three as election officers.

Cross-examination:

Q. What are your politics?—A. Democrat, from my grandfather down.

Q. Are you not a very enthusiastic Democrat, and have you not been such for many years of your past life, ever active in political work in behalf of your party?—A. I have, from the time I cast my first vote in St. Louis for Congressman, and afterwards for Stephen A. Douglas, in the city of Memphis, for President, been an enthusiastic Democrat, because I believed that was the party for the people.

Q. Were you not very actively engaged in supporting the nominees and candidates of your much-beloved party standing for election November 8, 1898?—A. I was not as active as I have been in former campaigns, but I voted, and in a quiet way worked for the nominees of that beloved party which was represented by the best citizens of North Carolina—the white men—as I considered the parties representing the other party to be men who were fighting for office, and were willing to sacrifice anything to get such an office, even their principles.

Q. Will you kindly, if not undemonstratively, explain what considerations, if any, induced you to be less energetic in your political efforts during the late campaign preceding the election that occurred on the 8th day of November, 1898, than you were in all former political campaigns since you became a voter?—A. Because for the last few years I have been under a disability from a hurt received while a health officer by falling on the ice, and have not taken as active a part in campaigns as formerly on account of that disability.

Q. Were you a candidate for election to any office at the election spoken of? If so, state what it was.—A. I was not.

Q. Were you a candidate or aspirant for nomination for any office to be voted for at the election spoken of?—A. I was not.

Q. When did your present office of justice of the peace begin?—A. I think it was last year by appointment from Col. John D. Taylor, clerk of the superior court of the county of New Hanover, State of North Carolina, to fill the unexpired term of Martin Willard.

Q. Have you ever held an elective office? If so, state what it was and when elected to such office or offices.—A. I was elected town commissioner of the town of Smithville, now Southport, just after the civil war.

Q. By what party or political organization were you then preferred for the office named?—A. I was nominated by the Conservative party and elected by over 150 votes more than any other candidate of that party, receiving a large vote from Republicans.

Q. Did you in that election have an opponent?—A. I did.

Q. What part of the day, November 8, did you actually spend attending the polling place and witness the polling at your precinct at the election that day occurring?—A. From between 9 and 10 in the morning until the polls closed in the afternoon.

Q. Were you present and did you take any part, if present, more than a silent spectator of the change that occurred in the city government of Wilmington, N. C., on the 9th or 10th day of November, 1898?

(Counsel for contestee object to this question on the ground that it is immaterial and irrelevant and incompetent, as nothing occurring on the 9th day of November in regard to a change in the city government can in any way affect an election occurring and completed on the 8th day of November, or have any bearing whatever upon such election.)

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. I did not, and was not.

Q. Were you present?—A. No, sir.

Q. Do you know who was made mayor of the city of Wilmington by operation of the change effected just after the election occurring November 8, 1898?—A. Col. Alfred Moore Waddell.

(Counsel for contestee object to the question and answer on the ground that it is incompetent, immaterial, and irrelevant, and for the reasons assigned in objection above as to matters occurring since the 8th day of November, 1898.)

Here the counsel for contestant moved to have noted the fact that the objection comes too late, being made after the question was put and the answer thereto given.

Objection on part of contestee sustained by Mr. Fowler; overruled by Mr. Wallace.

From the fact that the objection made by counsel for contestee shows that the question and answer were both in before the objection.)

Q. Who is the present mayor of the city of Wilmington?

(Objected to by counsel for contestee for the reasons assigned above.

Objection sustained by both notaries public.)

Q. Is not the present mayor of the city of Wilmington since popular election to that office occurring the 23d day of March, 1899, the same individual, Col. Alfred M. Waddell, who was made mayor immediately after the election when the change of city government was effected?

(Objected to by counsel for contestee on the ground that it is irrelevant, immaterial, and thoroughly incompetent on the ground assigned in objection above.

Objection sustained by both notaries public.)

Q. Were you or not a member of the famous committee of twenty-five that took action on the 9th or 10th day of November, 1898, when the printing office with the printing press of one Manly was destroyed by fire at the hands of such committee?

(Counsel for contestee object to the question, first, on the ground that it assumes the existence of a committee of twenty-five and there is no evidence introduced here of their existence; and, secondly, on the ground that it involves matters occurring subsequent to the 8th day of November, 1898, and having no connection whatever with the questions involved in the controversy. The counsel therefore ask that the question be stricken out on the ground that any answer thereto would be irrelevant, immaterial, and incompetent.

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. I was not, and knew nothing about the committee of twenty-five, as I was at my office attending to my duties as a justice of the peace and knew nothing of the fire until after it occurred.

Q. Have you ever heard either Col. Alfred M. Waddell or any other one admit that he or they were members of such committee?

(Counsel for contestee object to this question on the ground that an answer to it would involve mere hearsay testimony; and further, that an answer thereto would involve certain admissions, and counsel for contestee contend that for the purposes of this controversy the admission of the contestee alone is relevant; and, further, that the question involves matters occurring subsequent to the election occurring November 8, 1898, and is incompetent, immaterial, and irrelevant.

Objection sustained by both notaries public.)

A. I never heard anyone admit such a fact.

Q. Do you not know as a fact that the printing press and office of one Manly was destroyed by fire at the hands of the committee on the 9th or 10th day of November, 1898?

(Objected to by contestee on the ground that it is irrelevant, immaterial, and incompetent for the reasons already assigned.

Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. I know so from newspaper reports, and as I was not there can not state that such was the fact from my own knowledge.

Q. Did you ever hear of this incendiarism from any other source than the newspaper publications of the fact?

(Objected to by contestee on the ground that any answer thereto would involve mere hearsay testimony; and further, that it would be irrelevant, incompetent, and immaterial for the reasons assigned in the previous objections.

Objection sustained by both notaries public.

Counsel for the contestee waive their right to have this question excluded and allow it to be answered, if the counsel for contestant insist upon an answer, without, however, waiving any such right that may arise hereafter.

Counsel for the contestant, having been ruled out by both notaries public, declines to accept as a matter of grace and right conferred in this particular instance to insist upon his rights in view of the fact that the insistence of counsel for contestee is to the effect that they reserve their rights to have excluded answers hereafter under like conditions, the contestant declining in the least to surrender his unquestioned right to an answer to all questions asked by him involving any feature of conditions existing previous to, at, and immediately after the election which occurred on November 8, 1898, consequential upon such conditions.)

Q. Were you not a member of what is known as the White Government Union, an organization created for political purposes, having an existence in this city, county, and elsewhere for political work?—A. I was secretary of the White Government Union of the third and fourth divisions of the Fifth Ward of the city of Wilmington, N. C. Its purposes were to have a fair election, and see that no fraud was perpetrated by the leaders of the Republican party who were in power at the time, and who had such a government in the county and city that white women dared not walk on the streets after night without being insulted and pushed off the sidewalk by lewd colored women and drunken negroes, and such a state of affairs caused the people of the city of Wilmington to band together as a political club so as to

change the state of affairs and let the decent people of the city rule, and get rid of the votes of people who had shipped from South Carolina and illegally registered and voted in the city of Wilmington, and several of which I issued warrants for as a justice of the peace, and they escaped back to South Carolina.

Q. As such secretary you must have been and were you not a member as asked by me of you of such White Government Union?—A. I reiterate that I was.

Q. As a justice of the peace, why did you not exercise your good offices to prevent such conditions in the city of Wilmington of which you complained, or did you so exercise your office?—A. I am glad that such a question is asked me, for the simple reason that one G. Z. French, deputy sheriff of New Hanover County, virtually sheriff, was handed my warrant time and again, and those warrants were not served and over 100 of them accumulated in my office, returned to me without any returns from the sheriff thereon, and when I reported the matter to Solicitor Richardson to get him to immerse the sheriff's bond for failure to serve such warrants, and we started for my office for the purpose of getting such warrants which were there thirty minutes before, when we arrived those warrants were stolen from the office and could not be found. It was utterly impossible to get warrants served on the leading negroes of this Republican party by deputies such as was appointed by the said G. Z. French, and complaint being made to Sheriff Hewlett that part of his deputies could neither read nor write, he stated to me that he could not help himself, therefore it was impossible for myself and another Democratic magistrate to get our papers served properly.

Q. When did your term of office begin? You said last year. What part of last year?—A. Since August for the second term, having been a magistrate for six years before.

Q. Were not these warrants for offenses in the main committed more than two years ago?—A. Part were and part were not.

Q. About what part or fraction of such warrants were for such old offenses?—A. I could not say exactly, but a great many of them were for the year 1898.

Q. Was not a very large portion of such warrants for offenses committed within the last two years from this date?—A. They were for offenses committed in 1897 and part of 1898.

Q. Are conditions existing now in the execution of processes issuing of your court not in first-class order now, and have you been troubled in securing service of such process since the qualification of the present sheriff of New Hanover County, which occurred on or about the first Monday in December, 1898?—A. I have officers now who are prompt and competent and who serve the processes faithfully, and I have no trouble, for when I issue a paper, either civil or criminal, the paper is executed promptly.

Q. About how many instances of actual experience have you had by the issuing of process and placing the same in the hands of the present sheriff since his qualifications for this expressed efficiency?—A. From the 1st of December over 100 civil suits—I can't say exactly—I couldn't say how many criminal. Part were served by the sheriff and part by the constable.

Q. Now, Mr. McGowan, how many of those old warrants, and I wish you to be as definite as possible, were complaints for the commission of crimes during the year 1897 and 1898 which were stolen from your office, numbering over 100, have you reissued and put in the hands of the present sheriff of the county of New Hanover?—A. None; for the simple reason that I do not enter these warrants on my docket until they are returned executed by the sheriff or constable, and it was utterly impossible for me to reissue under the circumstances.

Q. Then you would decline to issue an alias warrant for any offense, serious or otherwise, even though the complainant came to you and demanded the issue of such alias warrant upon complaint already verified and filed with you?—A. I hope that I am an honest man and a gentleman, happening to inherit that from my forefathers. I have never sworn to a lie yet, and should anyone apply to me to reissue those warrants and give me the witnesses, I should certainly do so according to my oath as a justice of the peace. I never yet violated an obligation to any order or anything I belong to, and therefore would not violate my solemn oath.

Q. Now, Mr. McGowan, I will state that having confidence in your good character, I had no purpose of intimating that you would not observe your oath as a justice of the peace or as a witness, and I ask you now for the purpose of showing, and I give you this in assurance of the good faith of my statement that no intimation was meant reflecting upon your character that these warrants in the main if not in toto must have been for casual offenses or prosecutors, and others filing complaints would have demanded of you the issuing of alias warrants. Therefore, is it not a fact that no demand was made upon you for the issuing of alias warrants in cases more than 100 named by you?—A. One reason for the parties not demanding another warrant in most cases that they saw there was no chance to have them served. In one case I had the party make a duplicate warrant affidavit for an attempted rape by two little boys in the northeastern part of the city, and were stopped by three white girls coming

suddenly upon them. This warrant was placed in the hands of Mr. French, given by him to one of his deputies in my presence, and has never been served, to my utter astonishment. I found the young man was working in the Front Street market, and has been for two years, and when I found that out sent to get the three white girls and found that they had gone to Pelzer, S. C., to work in the cotton factory; and not wishing to put the county to the expense of arresting this boy—I could not get the proof to convict him—the warrant still remains in my office.

Q. Mr. McGowan, who was clerk of the superior court of New Hanover County, and who was chairman of the board of county commissioners of New Hanover County, acting at the time of the appointment of registrars and judges of election to be held for the county of New Hanover, November 8, 1898?—A. Col. John D. Taylor was clerk of the superior court, and I think Col. Roger Moore was chairman of the county commissioners, as there had been a change in the commissioners.

Q. Now, Mr. McGowan, I wish to ask you this question: Do you not know of your own knowledge, or by common rumor of the leaders of the Democratic party with whom you talked previous to the late election, occurring November 8, 1898, that for the sake of peace and to avoid bloodshed in the city of Wilmington and county of New Hanover, that it was agreed by leaders of the Republican party, including in their number the governor of the State of North Carolina, to the effect that the Republican party in the county of New Hanover were to have no county and legislative tickets opposing the Democratic ticket naming candidates for the election to occur the 8th day of November, 1898?—A. All I know is what was told in my office, and it was told by colored men generally, that there would be a deal in which certain parties were to come down, and Governor Russell was to name the two gentlemen for the legislature, and if this was allowed by the Democratic party that they would not run a county or legislative ticket. A great number of us were opposed to such a deal being made, as we had been sold out before in 1892 and, I think, 1894 by such a deal, and the White Government Union, of which I was a member, was opposed to making any such bargain with the Republican party.

Q. Is it not a fact within your own knowledge that the Republican party had no county ticket standing for election in the county of New Hanover, November 8, 1898?—A. There was no county Republican ticket; only the senator was run by the Republican party, and he was from New Hanover County, Robert Davis.

Q. Was the Mr. Davis who ran as a candidate for senator and living in New Hanover County not a Populist, and as such candidate the nominee of the People's Party?—A. It is hard to tell whether Mr. Davis was a Populist, a Democrat, a Greenbacker, or a Republican, as the Populist party in this county did not consist of 100 people, and he was voted for by the Republicans, and a great many so-called Populists voted for the other Davis, for the simple reason, as they told me, that they considered him a traitor.

Q. Is he not the same man supported by yourself and other Democrats as elector for the State at large in the national campaign of 1896 as a Bryan elector?—A. I suppose he was the same man on the Bryan electoral ticket, but not supported by myself, as I support only Democrats. I did not vote for Robert B. Davis.

Redirect examination:

Q. You stated in your cross-examination, witness, in answer to a question of Mr. Spears, that you had never violated an oath to your order; please state what you mean by the term "your order."—A. I am a member of the Masonic order, the Odd Fellows, the Knights of Pythias, the Red Men, the Knights of Honor, the Knights and Ladies of Honor, and the Dramatic Order of the Knights of Korassan.

Q. Was or was not a full judicial and Congressional Fusion ticket voted for in this county?—A. There was.

Q. Do you know of any attempt made by the Democratic party of New Hanover County, either previous to or on the day of election, November 8, 1898, to prevent any qualified Republican voter or Populist from casting their ballots on November 8 as they saw fit?—A. I do not, as I saw the Populists and Republicans voting, there being very few Populists, and no one interfered with them at the polls while I was there.

Q. What were the politics of G. Z. French, the deputy sheriff referred to by you in your cross-examination?—A. He was a Republican.

Q. What were the politics of the solicitor, Richardson, referred to by you in your cross-examination?—A. He was a Populist.

Q. What party was the city government of Wilmington, referred to by you in your cross-examination as incompetent, supposed to represent?—A. The Republican party.

J. M. MCGOWAN.

Sworn and subscribed to before us this 31st day of March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

At 1.30 p. m., March 31, 1899, court took a recess until 3.30 p. m. of March 31, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

At 3.30 p. m., March 31, 1899, according to the hour agreed upon, upon the conclusion of the examination of J. M. McGowan at 1.30 p. m., the court reconvened at 3.30 p. m., contestant and contestee being represented by counsel, and proceeded to examine the following witnesses, namely, I. West, John D. Taylor, and J. D. Webster.

I. WEST, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. My name is I. West; age, 44; place of residence, Wilmington, N. C.

Q. For how many years have you been a resident of the city of Wilmington?—A. All my life, sir.

Q. Where were you on the 8th day of November, 1898?—A. I was at the polling place where the election was held, the third precinct of the First Ward.

Q. Did you or did you not hold a position as officer of election in the election held November 8, 1898; and if so, what was the office and where were you stationed?—A. I did hold a position as officer of election as one of the registrars. I was stationed at the third precinct of the First Ward, in the city of Wilmington, N. C.

Q. Did your duties require your presence at that precinct on election day above referred to, and were you present discharging your duties during that day?—A. It did require my presence, and I was present the entire day.

Q. Of what party or parties were the officers of election in your precinct composed, and how were they divided in number as to party?—A. It was composed of Democrats, Republicans, and Populists.

Q. How many of each party were represented on the board?—A. Two of each party.

Q. How was the election above referred to in your precinct conducted?—A. It was quiet, fair, and impartial in every respect.

Q. Was or was not the vote polled in your precinct on November 8 last a full vote?—A. It was.

Cross-examination:

Q. In what particular do you speak of the votes being full? As to the registration only, or the actual Republican strength, Democratic strength, and Populist strength of those persons resident of the precinct and otherwise than for registration entitled to vote?—A. The registration was the full strength of the white and colored voters of that precinct.

Q. Mr. West, this condition of entire and full registration of electors of any one precinct being quite unusual, would you please state whether you are positive beyond a doubt of the fact that all electors or persons otherwise entitled to vote than possessing the requirement of registration were so registered and voting?—A. It was not an unusual thing to have a full registration; it was not an usual occurrence to have all of them vote; and I am positive of that being a fact.

Q. How many Republicans were there in the precinct of which you were registrar?—A. I judge there is about 350 or 360.

Q. Do you know the number?—A. I think it is about 360, but am not positive about that. I have seen the figures, but am not positive now what they were.

Q. How many Democrats were there in the precinct of which you were registrar?—A. There is about 78.

Q. How many Populists were there in the precinct of which you were registrar?—A. I am unable to say.

Q. How many votes were cast for Oliver H. Dockery, the late Republican-Populist candidate for Congress standing for election November 8, 1898, at your precinct at that election?—A. Something over 300.

Q. How many over 300?—A. I am unable to name the exact amount at present, sir.

Q. How many votes were cast for Mr. John D. Bellamy and counted for him?—A. Seventy-five.

Q. Were you a member of the White Government Union existing previous to and about the time of the election referred to?—A. I was not.

Q. For whom did you vote for Congress at that election?—A. Mr. John D. Bellamy.

Q. What are your politics?—A. I am a Democrat.

Q. How long have you been a Democratic supporter?—A. I never cast any other ballot.

Q. Who appointed you as registrar of election?—A. The election board.

Q. Composed of whom?—A. The clerk superior court, register of deeds, and chairman of the board of county commissioners.

Q. Was not Col. John D. Taylor, the clerk of the superior court, making one of the board, and Roger Moore, chairman of the board of county commissioners, constituting the other member of the board; and were not each of these candidates and nominees of the Democratic party of New Hanover County for reelection standing for election November 8, 1898?—A. The election board consisted of Col. John D. Taylor and, I think, Chas. W. Norwood, colored, and Col. Roger Moore. Col. Roger Moore and Col. John D. Taylor were candidates for the office that they were elected for.

Redirect examination:

Q. What was the politics of Charles W. Norwood, the register of deeds, who you say was a member of the board of election who appointed you registrar?—A. Republican.

ISAIAH WEST.

Sworn and subscribed to before us this 31st March, 1899.

[SEAL.]

[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

JOHN D. TAYLOR, being duly sworn, deposes and says:

Q. Please give your name, age, and residence.—A. John D. Taylor; 68 years old; Wilmington, N. C.

Q. Are you not at present clerk of the superior court of New Hanover County?—A. I am.

Q. How long have you held that office?—A. Eight years.

Q. Can you tell me approximately in miles the length and breadth of the Sixth Congressional district of the State of North Carolina?—A. I should think, sir, it is 250 miles long; I should say between 40 and 50 miles wide, averaging it.

Q. As clerk of the superior court, are you custodian or the keeper of the registration and poll books used in the election in November, 1898?—A. I am.

Q. Were they deposited in your office by the registrars and judges of election shortly after the last election under the election laws of North Carolina, and have they been kept there since?—A. Yes, sir.

Q. Have you examined those books and have you tabulated from them a statement of the number of voters registered prior to the election of November, 1898, in each voting precinct of New Hanover County, and also of the number of votes cast in each voting precinct of New Hanover County in that election? If so, please produce it.—A. Yes.

Q. Please give in detail the number of white and colored voters registered at each voting precinct of the county, and also the number of votes actually cast in each precinct.

Registration of vote and votes cast at the election held 8th November, 1898, in New Hanover County.

	Registered vote.			Total voted.
	White.	Colored.	Total.	
First Ward:				
First division.....	192	177	369	350
Second division.....	140	242	382	350
Third division.....	69	337	406	378
Fourth division.....	35	337	372	329
Fifth division.....	30	313	343	329
Second Ward:				
First division.....	220	24	244	236
Second division.....	271	25	296	293
Third Ward:				
First division.....	321	46	367	349
Second division.....	216	57	273	262
Fourth Ward:				
First division.....	256	25	281	268
Second division.....	171	76	247	238
Fifth Ward:				
First division.....	215	112	327	322
Second division.....	225	154	379	352
Third division.....	152	170	323	305
Fourth division.....	43	309	352	345
Masonboro.....	94	65	159	135
Cape Fear.....	68	184	252	237
Harnett.....	178	228	406	377
Federal Point.....	21	84	105	94

Total number of registered votes of the county..... 5,883
Total number of votes cast on November 8, 1898..... 5,686

Cross-examination:

Q. Colonel, what official position, if any, do you now hold and what did you hold during the months of September, October, and November, 1898?—A. Clerk of the superior court.

Q. As such, you, Col. Roger Moore, and Register Norwood, appointed judges of election and registrars of election to act for and in the election held in this county on November 8, 1898, did you not?—A. I did.

Q. Is it not a fact that you ignored in part if not in full recommendations made to you or your board by the chairman of the Republican executive committee of the county of New Hanover, for persons to be appointed as such registrars and judges of election?—A. We appointed some that they recommended and some we did not.

Q. Yourself and Col. Roger Moore were standing candidates and nominees of the Democratic party for the offices of clerk of the superior court and county commissioner, respectively, at the election occurring November 8, 1898, were you not?—A. Yes; we were.

Q. Colonel, do you know whether or not the Democrats of the county of New Hanover, and more specifically those of the city of Wilmington, had in their possession a rapid-fire gun or guns, with ammunition therefor, to be used if necessary for their purposes, political in character, before, at, or after the election occurring November, 1898?—A. No; not for political purposes, but I am satisfied that a gun of the character described was in the hands of the white people of this county for their protection against the insolence of negroes. I don't know it; I never have seen it; only know it as a rumor.

Q. What white people had such gun in their possession, Democrats or Republicans?—A. I don't know. I never saw the gun in the hands of anybody.

Q. You are not prepared, then, to say whether such gun was in the hands of white Republicans and white Democrats of the county of New Hanover or whether, in your opinion, the custodians of such gun were exclusively white Democrats?—A. As a question of knowledge, I don't know. I have an opinion about it.

Q. Colonel, will you please state that opinion?

(Objected to by counsel for contestee upon the ground that witness states that he has no personal knowledge of the fact, and it is incompetent for him to give an opinion upon matter of which he has no personal knowledge. Objection sustained by notaries public.)

Q. Did you belong to what is known as the White Government Union?—A. Did not.

Q. Were you present at the city hall on the occasion of the change of the city government of the city of Wilmington, whereby as a result of such change Col. Alfred M. Waddell became mayor of the city of Wilmington, N. C., and by which there was also a change of the personnel entire of the board of aldermen of the city of Wilmington, occurring about the 9th or 10th day of November, 1898?

(Objected to by counsel for contestee on the ground that it is incompetent and irrelevant, for the reason that matters happening after the day of election have no bearing upon this controversy. Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. I was not.

Q. Colonel, were you present, and did you witness the organization or action in any part of the famous committee of 25 that took action on the 10th day of November, 1898, when the Manly printing office and press or presses were burned and destroyed?

(Counsel for contestee objected to this question upon the same ground as given in the objection to the last question. Same ruling by the court.)

A. I was not.

Q. Did you see any demonstration with any armed force or forces occurring in Wilmington on the 9th, 10th, 11th, or 12th days of November, 1898; and if so, what such demonstrations were, their extent, and character?

(Counsel for contestee object to this question upon the same ground as stated in the objection to the last question. Court rules the same as in former objection.)

A. I was at my house on the morning of the 10th. I heard the fire-bell ring, saw the smoke from the burning building, and heard some guns fired in that direction. That is all I know. I was about two or three squares off.

Q. Colonel, did you know of any prearranged and purposed plan or purpose to destroy this office and printing press of Manly's originating previous to, on the day of, or subsequent to the election held November 8, 1898?—A. I did not.

Q. Were you present in the opera house in the city of Wilmington on the occasion of the now famous speech made by Col. Alfred M. Waddell during the campaign preceding the election of November 8, 1898?—A. I was not.

Q. Did you ever hear any comment made upon such speech upon the part of Mr. Bellamy, the contestee?—A. I never did.

JNO. D. TAYLOR.

Sworn and subscribed to before us this 31st day March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

(Counsel for contestee here offer in evidence a tabulated statement of the votes cast for members of Congress in the nine counties of Anson, Brunswick, Columbus, Mecklenburg, New Hanover, Richmond, Robeson, Union, and Pender, which counties now and in the month of November, 1898, constituted the Sixth Congressional district of the State of North Carolina for the years 1882, 1884, 1886, 1888, 1890, 1892, 1894, 1896, and 1898 from the office of the secretary of state of the State of North Carolina and certified by Cyrus Thompson, secretary of state, under the great seal of the State. The said statement is attached to these depositions marked Exhibit B and certified to by both of the notaries public.)

Pursuant to the annexed notice to Oliver H. Dockery in the above-entitled cause of the taking of the depositions or testimony of J. D. Webster, a witness for contestee, I, J. J. Fowler, a notary public resident in the Sixth Congressional district in North Carolina, together with T. E. Wallace, a notary public associated with me at the instance of the contestant, under authority of law conferred on me by section 110 of the Revised Statutes of the United States, on the 31st day of March, 1899, in the city of Wilmington, N. C., both Oliver H. Dockery, contestant, and John D. Bellamy, contestee, being present by their attorneys, proceeded to take the depositions or testimony of the said J. D. Webster as a witness for contestee, which said depositions or testimony is hereunto attached.

J. D. WEBSTER, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. J. D. Webster; 52; Wilmington, N. C., Fourth Ward, First division.

Q. What is your occupation?—A. Dentist.

Q. Where were you on election day, November 8, 1898?—A. Was at the polling place at Oldham's Mill, Fourth Ward, First division.

Q. Were you, or were you not, an officer of election in that precinct on that day?—A. I was.

Q. What position did you hold?—A. I was registrar.

Q. Did your duties as registrar require your presence at that precinct on that day, and were you present performing your duties on that day?—A. They did, and I was.

Q. How was the election in your precinct on the day above referred to conducted?—A. Quietly and orderly.

Q. Did you observe any attempt made by fraud or intimidation, or was there, to your knowledge, any such attempt made at your precinct on election day referred to above, to prevent any qualified voter from casting his vote as he saw fit?—A. There was not.

Cross-examination:

Q. Doctor, where were you raised?—A. In Caswell County, N. C.

Q. How long have you been a resident of the city of Wilmington?—A. Since June 15th, '97.

Q. Doctor, do you know of your own knowledge, or by rumor, of the famous committee of 25 that took action on the 10th day of November, 1898, when the printing office and printing press of one Manly was destroyed by fire at the hands of such committee?

(Counsel for contestee object to this question, and any answer thereto, on the ground that it is immaterial, incompetent, and irrelevant, for the reason: (1), That it requests the witness to answer as to matters which are mere hearsay; and (2) in that it involves matters occurring subsequent to, and entirely unconnected with, the election completed November, 1898. Counsel for contestee asks that this question be stricken out. Objection sustained by Mr. Fowler; overruled by Mr. Wallace.)

A. I do not, of my own knowledge; only as to rumor.

Q. Were you a member of an organization known as the White Government Union existing in the city of Wilmington, N. C., previous to and at the time of the late election, November 8, 1898?—A. I was not.

Q. Do you know of your own knowledge or from rumor of a rapid-fire gun being brought to the city of Wilmington previous to the election, November 8, 1898, and in the hands of Democrats of the city of Wilmington, to be used if necessary to carry out certain political purposes?

(Counsel for contestee object to this question: (1) On the ground that it assumes that a rapid-fire gun was in the hands of the Democratic party, when there is no evidence of the fact that its presence here had any political signification; and further, on the ground that the question and the answer thereto involve mere hearsay testimony. Objection sustained by Mr. Flower; overruled by Mr. Wallace.)

A. I do not.

Q. Do you not know that serious political trouble was feared and expected previous to and on or about the day of election, November 8, 1898?—A. I do not.

Redirect examination:

Q. Do you or do you not know of any attempt made by the Democratic party or any person working in their interest to terrorize or otherwise intimidate any Republican or Populist elector in this county from expressing their preference politically in the election held November 8, 1898?—A. I do not.

J. D. WEBSTER.

Sworn and subscribed to before us this 31st March, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

EXHIBIT B.

Year and name.	Alexander	Beaufort	Columbus	Mecklenburg	New Hanover	Richmond	Robeson	Union	Watauga	Total vote in district.
1898.—Bellamy	1,872	1,149	2,122	5,168	2,817	2,712	3,523	2,510	1,300	
Dockery	1,889	1,175	1,517	3,597	2,553	1,072	2,822	1,420	1,244	
Norment										
Total	3,761	2,324	3,639	8,765	5,370	4,384	6,345	3,930	2,544	40,503
1896.—Lockhart	1,657	818	1,417	4,322	2,210	1,815	2,155	1,768	1,073	
Martin	1,547	1,323	1,752	4,378	3,217	2,859	3,622	1,900	1,363	
White				42	1					
Scattering										
Total	3,204	2,141	3,169	8,742	5,428	4,674	5,777	3,768	2,436	39,929
1894.—Lockhart	1,505	668	1,192	3,123	1,673	1,623	1,735	1,557	922	
Martin	1,116	1,171	1,277	1,639	2,105	1,950	1,776	1,504	768	
Mathison			26							
C. H. Martin			47							
Scattering							12		310	
Total	2,621	1,839	2,542	4,761	3,777	3,573	3,523	3,061	1,889	27,586
1892.—Alexander	1,401	757	1,544	3,847	2,429	1,682	2,253	1,808	903	
Maynard	421	1,034	1,266	2,196	1,620	1,254	2,242	1,027	1,067	
Scattering				27						
Total	1,822	1,791	2,810	6,070	4,049	2,936	4,495	2,835	1,970	28,778
1890.—Alexander	1,569	981	1,653	2,912	1,974	1,748	2,424	1,545		
Norment	419	820	723	495	1,763	1,806	1,964	140		
Grady									1,074	
Seurlock									966	
Mallett										
Total	1,988	1,801	2,376	3,347	3,738	3,554	4,388	1,685	2,040	24,918
1888.—Rowland	2,185	1,034	2,079	4,216	1,855	1,683	2,853	2,042		
Lockey	923	433	883	3,173	2,830	1,855	2,205	916		
McClummy									712	
Robinson									757	
Scattering										
Total	3,108	1,467	2,962	7,389	4,685	3,538	5,058	2,958	1,469	32,639

DEPARTMENT OF STATE, *State of North Carolina*:

I, Cyrus Thompson, secretary of state of North Carolina, hereby certify that the above is the vote for members of Congress for the nine counties of Anson, Brunswick, Columbus, Mecklenburg, New Hanover, Richmond, Robeson, Union, and Pen-

der, in the State of North Carolina, for the years 1888, 1890, 1892, 1894, 1896, and 1898, as appears from the records of the office of secretary of state.

Done in office at Raleigh this 17th day of March, A. D. 1899.

[SEAL.]

CYRUS THOMPSON,
Secretary of State.

We hereby certify that the foregoing constitute and are the entire depositions of the witnesses examined in pursuance of notices served by contestee upon contestant to begin in the Federal court-house on the 28th day of March, 1899, before J. J. Fowler, notary public.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

Notice to take depositions.

Oliver H. Dockery, contestant, *vs.* John D. Bellamy, contestee, Congressional contest, Fifty-sixth Congress, Sixth district of North Carolina.

OLIVER H. DOCKERY, *Contestee,*
Rockingham, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Red Springs, before A. D. McLean, notary public, beginning at 10 o'clock a. m. on Friday, the 31st day of March, 1899, and continuing from day to day if necessary.

I will examine the following witness, namely: D. S. Alderman, Purcepolis, N. C.; W. B. McMillan, D. G. McMillan, Mill Prong, N. C.; Calvin S. Ray, Peter Ray, John A. McPhaul, Antioch, N. C.; R. M. McQueen, Queensdale, N. C.; Geo. H. Hall, James Lane, Red Springs, N. C.; R. J. Fletcher, Lumber Bridge, N. C.; Dr. J. L. McMillan, Red Springs, N. C.

JOHN D. BELLAMY
(Per W. S. NORMENT),
A. W. MCLEAN,
Attorneys.

This the 20th day of March, 1899.

Pursuant to the notice served in the above-entitled cause, the contestee, John D. Bellamy, represented by his counsel, A. W. McLean, now proceeds to take testimony on the part of the contestee before A. D. McLean, notary public, named in the notice, and John D. Jowers, notary public, associated, on motion of B. F. McLean, attorney for Oliver H. Dockery, contestant, at Red Springs, Robeson County, N. C., on this March the 31st, 1899, at 10 o'clock a. m., Oliver H. Dockery, the contestant, being represented by his counsel, B. F. McLean.

JAMES LOVE, being duly sworn, deposes and says:

Q. In what precinct in Robeson County do you now reside, and how long have you been a resident thereof?—A. In Red Springs precinct, this one we are now in; I have been a resident for five years.

Q. Were you present at the voting place in your precinct on the day of the election held on the 8th day of November, 1898?—A. I was.

Q. How many voting places in the town of Red Springs?—A. There are two—Red Springs No. 1 and Red Springs No. 2.

Q. What is the distance between the voting places in these two precincts?—A. About 75 to 100 yards.

Q. Was the election held in said precinct on the 8th day of November, 1898, conducted fairly, openly, and honestly?—A. To the best of my knowledge it was.

Q. Was any elector who approached the polls, or attempted to approach the polls, for the purpose of voting on that day prevented by any violence, intimidation, or threats from doing so?—A. Not that I know of. I was there all day, with the exception of about half an hour when I went to dinner.

Q. Did said election in Red Springs pass off quietly and fairly?—A. It did.

Q. Do you know of any intimidation of electors in your precinct that occurred at any time prior to said election?—A. I do not.

Q. Do you know one W. H. Barber, a witness who was examined on the part of the contestant?—A. I do.

Q. Did you see him deposit his ballots at your precinct on the day of the said election?—A. I did.

Q. Said W. H. Boobe, a witness for contestant, swore that you and Murdock McDonald interfered with him when he attempted to vote on the day of said election. Was this statement true?—A. No; it is a base lie.

Q. Did he not vote on said day without molestation or interference?—A. After the judges of election asked him a question he was allowed to vote without molestation or interference.

Q. What question did the judges of election ask him?—A. They asked him if he had not moved from another precinct after the registration books were closed.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. You say that you reside in Red Springs Township and have for the last five years. Where did you reside prior to that time?—A. In Greensboro, Guilford County, N. C.

Q. Where were you raised?—A. I was raised in Greensboro.

Q. What has been your occupation since your residence in Red Springs?—A. I have been in the lumber business.

Q. Do you conduct your own business or are you employed by someone else?—A. I conduct my own business.

Q. What ticket did you vote at the election held in November, 1898?—A. I voted the straight Democratic ticket.

Q. Were you an officer at said election in your precinct?—A. No, sir.

Q. Did you wear a red shirt prior to and during the campaign or on the day of the election held in November, 1898?—A. I did not.

JAS. LOVE.

Sworn to and subscribed before us this the 31st day of March, 1899.

[SEAL.]

A. D. McLEAN,

[SEAL.]

J. D. JOWERS,

Notaries Public.

CALVIN S. RAY, being duly sworn, deposes and says:

Q. In what precinct in Robeson County do you now live and how long have you been a resident thereof?—A. Blue Springs No. 1; I have lived there all my life, with the exception of four years I was in Red Springs Township about nine years ago.

Q. How old are you?—A. Sixty-one years old.

Q. Were you present at the voting place in your precinct on the day of the election held in November, 1898; and if so, in what capacity?—A. I was present in the capacity of judge of election.

Q. Give the names of the judges of election in your precinct and the political party to which each belonged.—A. D. S. Alderman, Democrat; W. B. McMillan, Democrat; Murdock McLeod, Fusionist; Jim McCormac, Republican; Richard Graham, Republican; myself, C. S. Ray, Democrat.

Q. Was the election held in your precinct in November, 1898, conducted fairly, openly, and quietly?—A. It was.

Q. Was any elector who offered or attempted to vote prevented by any violence, intimidation, or threats from doing so?—A. There was not.

Q. Was everyone who offered to vote allowed to do so without any molestation or interference whatever?—A. They were.

Q. You stated that you were 61 years old and that you had been a resident of your precinct all your life with the exception of four years about nine years ago. Did you ever see a fairer, more quiet, or more peaceable election in your life?—A. I did not.

Q. Was there any intimidation of electors in your precinct at any time prior to said election that you know of?—A. There was not.

Q. Murdock McLeod, a witness for contestant and one of the Fusion judges of election at your precinct in the last election, swore that while he was absent from the voting place at dinner the registration book was changed. Was this statement true?—A. It was not.

Q. Did you not, as one of the judges of election, have possession of the registration book while said Murdock McLeod was absent at dinner?—A. Mr. McMillan, one of the judges of election, had charge of the book.

Q. Were you present with the other judges of election while Murdock McLeod was absent at dinner?—A. I was there nearly all the time except a few minutes, when I was off only a few steps, eating my dinner. The Republican judges of election were there all of that time in charge.

Q. Said Murdock McLeod swore that there were about twenty scratches put on the books for names of voters who had voted in his absence who were not legal voters in your precinct. Was this statement of Murdock McLeod true?—A. It was not.

Q. Was any ballot deposited in the ballot boxes that was not voted by duly qualified electors?—A. There was not.

Q. Did the judges of election decide that any elector who offered to vote was not entitled to vote?—A. They did not.

Q. Were you present at the public speaking in your precinct during the campaign prior to the last election, when the different candidates for office addressed the citizens of your precinct?—A. I was.

Q. Murdock McLeod, a witness for contestant, swore that at said speaking some persons wearing red shirts stood in a huddle near the speakers' stand while S. A. Edmunds, the Populist candidate for clerk of the superior court, was speaking, and cursed said Edmunds and shouted aloud and disturbed said speaker. Was this statement true?—A. I think it was not true. I heard no cursing.

Q. Was every candidate who offered to speak on said day allowed to do so?—A. They were.

Q. Murdock McLeod, a witness for contestant and a Fusion judge of election in your precinct at the last election, swore that he did not vote in your precinct at said election because he could not vote as he chose to. Did he offer to vote or attempt to vote on said day?—A. He did not.

Q. Did anyone threaten him or try in any manner whatever to prevent him from voting?—A. No; they did not. No person was prevented.

Q. Were you present at the voting place in your precinct on the day the judges of election met there to hear challenges, and were you a member of the court of challenge?—A. I was there and was a member of the court of challenge. I was one of the judges.

Q. Did anyone prevent or interfere with the duties of the judges of election on that day?—A. I don't think they did.

Q. Did you hear all challenges which ought to have been heard on that day?—A. We did. For lack of evidence we challenged only three.

Q. Murdock McLeod, a witness for contestant, swore that there was general intimidation practiced in your precinct prior to the last election and during the day of the said election. Was this true?—A. It was not.

Q. Was there a political club in your precinct during the last campaign known as the White Government Union?—A. There was.

Q. Were you a member of this club?—A. I was.

Q. Did the members of this club practice any intimidation in your precinct?—A. They did not.

Q. You stated that you were present at the voting place in your precinct on the day that you and the other judges of election met there to hear challenges. Murdock McLeod, a witness for contestant, swore that some Democrats, wearing red shirts, attempted at that time and place to take the registration books away from him. Was this true?—A. It was not.

Q. Did anyone on that day interfere with or attempt to interfere with said Murdock McLeod in the discharge of his duties?—A. No; they did not.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. Do you know Mr. S. A. Edmunds, who was candidate for clerk of the superior court of Robeson County on the Fusion ticket at the election held in November, 1898?—A. I never saw him except on the day of the speaking at Blue Springs, that I know of.

Q. Did you see him when he arrived at the place of speaking on the day you refer to?—A. I did not.

Q. Where did you first see him that day?—A. Mr. McIntyre was speaking, and turned and asked him some question. If I saw him before that I didn't know him.

Q. Did you not hear a man with a red shirt on call Mr. S. A. Edmunds, the candidate, while he was making his speech, on the day of the political speaking at your precinct, to which you have before referred, "a damned liar"?—A. I did not.

Q. Was not Capt. T. McBryde the leader of those whom you say you heard asking Mr. Edmunds questions while he was making his speech on that day?

(Objected to by counsel for contestee as wholly incompetent and irrelevant.)

A. I don't think he was. Don't remember that I heard him ask but one question.

Q. What did you hear Capt. T. McBryde say to Mr. Edmunds on the day of this speaking referred to by you before?

(Objected to by counsel for contestee as irrelevant and incompetent.)

A. I don't recollect hearing him say anything except "Mr. Edmunds, did you not promise to tell the truth?" or words to that effect.

Q. Did not this Capt. T. McBryde have on a red shirt on the day of this speaking?

(Objected to by counsel for contestee as irrelevant.)

A. I don't remember whether Mr. McBryde did or not.

Q. Were there not quite a number of men at the speaking you referred to clothed in red shirts worn in a conspicuous manner?—A. There were.

Q. Were the names of any voters in your precinct, Blue Springs No. 1, with the exception of the three or four you referred to in your direct examination, taken off of the registration book between the day that the registration closed and the day of the election held in November, 1898?—A. There was none.

Q. Did you hear anything about a Democrat advising Murdock McLeod that he had better stay away from the polls on the day of the election held in November, 1898?

(Objected to by counsel for the contestee as incompetent.)

A. I don't recollect hearing anything of the kind.

Redirect examination by COUNSEL FOR CONTESTEE:

Q. You stated that you were one of the registrars at your precinct in the last election. How many electors who were registered in your precinct failed to go to the election and vote on the day of the election?

(Objected to, as the registration book and poll book are the only correct evidence of this fact.)

A. I don't know exactly; I think somewhere about twenty.

CALVIN S. RAY.

Sworn to and subscribed before us this the 31st day of March, 1899.

[SEAL.]

[SEAL.]

A. D. McLEAN,
J. D. JOWERS,
Notaries Public.

PETER RAY, being duly sworn, deposes and says:

Q. In what precinct in Robeson County do you now live, and how long have you lived there?—A. Blue Springs No. 1; have lived there nine years.

Q. Were you present at the voting place in your precinct at the election held in November, 1898?—A. I was.

Q. Was the election held there on that day conducted fairly, openly, and honestly?—A. It was.

Q. Was every elector who offered or attempted to vote on that day allowed to do so without molestation or interference?—A. They were, so far as I know.

Q. Was there any intimidation practiced in your precinct either prior to or during the day of said election?—A. Not that I know of.

Q. W. A. Barber, a witness for contestant, swore that about three weeks before the election you (Peter Ray), in company with a crowd of persons wearing red shirts, told him (Barber) that you would kill him if he didn't vote a Democratic ticket. Was this statement made by Barber true?—A. It was not.

Q. Did you make any threat whatever against W. N. Barber on account of his politics?—A. I did not.

Q. Did you ever threaten anyone on account of his politics?—A. I did not.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. You said in your direct examination that you were present at the polling place in Blue Springs Township on the day of the election held in November, 1898. Did you wear a red shirt while you were there?

(Objected to by counsel for contestee as irrelevant.)

A. I did.

Q. Did not many other Democrats wear them at the same place on said day?

(Objected to by counsel for contestee as irrelevant.)

A. A good many of them.

Q. Did not you meet W. A. Barber at a tent meeting in Red Springs Township on a Sunday night a few weeks prior to the election held in November, 1898?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. I did.

PETER RAY.

Sworn to and subscribed before us this the 31st day of March, 1899.

[SEAL.]

[SEAL.]

A. D. McLEAN,
J. D. JOWERS,
Notaries Public.

JOHN A. MCPHAUL, being duly sworn, deposes and says:

Q. In what precinct in Robeson County do you now reside, and how long have you been a resident thereof?—A. In Blue Springs Township precinct No. 2; I have lived there all my life.

Q. How old are you?—A. I am 37 years old.

Q. Were you present at the voting place in your precinct on the day of the election held in November, 1898; and if so, in what capacity?—A. I was present; I was one of the judges of election.

Q. Was the said election held in your precinct conducted fairly, openly, and honestly?—A. It was.

Q. Was every elector who offered or attempted to vote on the day of said election allowed to do so without interference or molestation?—A. They were.

Q. Was there any intimidation of voters in your precinct at any time either before or on the day of election?—A. None that I heard of.

Q. You stated that you had lived in your precinct all your life. Was the election held there in November, 1898, as quiet, as fair, as open, as free, and as honest as any you ever knew of?—A. Yes.

Q. You stated that you were one of the judges of election at your precinct at said election. How many electors who were registered in your precinct in the last election failed to attend said election and vote?—A. I think there was one. That is all that I know of.

Q. Was that one who did not attend said election a Fusionist or a Democrat?—A. I think he was a Democrat.

Q. Were you present at the political speaking in your precinct some time prior to the said election?—A. I was.

Q. Was every candidate who desired to speak at that time allowed to do so?—A. Yes.

Q. Did anyone try to intimidate or prevent S. A. Edmund, the Populist candidate for clerk of the superior court, from speaking on that day, and did he speak?—A. I don't think they did. He made his speech.

Q. How many judges of election were there in your precinct at the said election and how many of them were Fusionists?—A. There were six judges and four of them were Fusionists.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. Did not a committee of red shirts wait on Mr. S. A. Edmund, the Fusion candidate for clerk of the superior court, upon his arrival at the place of the public speaking in your township on the day of the speaking prior to the election held in November, 1898?

(Objected to by counsel for contestee as incompetent.)

A. Not that I know of.

Q. Was not Mr. S. A. Edmund constantly interrupted by men clothed in red shirts on the day of the said speaking?—A. There were a good many questions asked him.

Q. Did you not yourself wear a red shirt on the day of that speaking or on the day of the election held in November, 1898, or on both days?

(Objected to by counsel for contestee as irrelevant.)

A. I did not.

Q. What ticket did you vote at the election held in November, 1898?—A. The Democratic ticket.

JOHN A. MCPHAUL.

Sworn to and subscribed before us this the 31st day of March, 1899.

[SEAL.]

[SEAL.]

A. D. MCLEAN,

J. D. JOWERS,

Notaries Public.

R. M. McQUEEN, being duly sworn, deposes and says:

Q. In what precinct in Robeson County do you now reside and how long have you been a resident thereof?—A. Blue Springs precinct No. 1; have lived there about eighteen years.

Q. Were you present at the voting place in your precinct on the day of the election in November, 1898; and if so, how long were you there on that day?—A. I was there all that day, except about two or three hours while I was gone to dinner.

Q. Was the election held there on that day conducted fairly, openly, and honestly?—A. It was, so far I know.

Q. Was every elector who offered or attempted to vote there on that day allowed to do so without molestation or interference?—A. Yes, so far as I know.

Q. Do you know of any intimidation in your precinct at any time prior to the election or on the day of the election?—A. I do not.

Q. You stated that you had been a resident of your precinct for eighteen years. Was the election held there on that day as fair, as open, as free, and as honest as any you ever knew of?—A. Yes; so far as I know, it was.

Q. How many electors who were registered in your precinct at said election failed to attend said election and vote?—A. I heard about twelve or fifteen.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. What ticket did you vote at the election held in November, 1898?—A. Democratic.

Q. Have you ever heard anything as to the reputation of Blue Springs Township for the last fifteen years for fair, open, free, and honest elections?

(Objected to by counsel for contestee as wholly irrelevant and incompetent.)

A. I don't know of anything detrimental to Blue Springs Township.

Q. Have you ever heard anyone make any remarks about the holding or the manner of holding elections in Blue Springs Township during the past fifteen years?

(Objected to by counsel for contestee as wholly incompetent and for the further reason that the witness has already stated that he knew of nothing detrimental.)

A. I have never heard anything more about it than I have about other townships.

R. M. McQUEEN.

Sworn to and subscribed before us this the 31st day of March, 1899.

[SEAL.]

[SEAL.]

A. D. McLEAN,

J. D. JOWERS,

Notaries Public.

GEORGE H. HALL, being duly sworn, deposes and says:

Q. In what precinct in Robeson County do you now reside, and how long have you been a resident thereof?—A. Red Springs No. 2; I came here about sixteen years ago; have been away once or twice for short periods.

Q. Were you present at the voting place in your precinct on the day of the election held in November, 1898; and if so, how long during that day?—I was, all day, with short intermissions.

Q. Was the election held in your precinct at said time conducted fairly, openly, and honestly?—A. It was.

Q. Was every elector in said precinct who offered to vote at said election allowed to do so without interference?—A. I saw nothing to prevent a man from casting his vote if he pleased.

Q. Was there any intimidation of voters in your precinct at any time prior to said election or on the day of said election?—A. There was none.

Q. Was said election in your precinct as fair, as free, as open, and as quiet as any that you ever knew of?—A. It was; as any election I ever saw where there was two parties.

Q. Was there a political club in your precinct known as the White Government Union; and if so, were you a member of it?—A. There was, and I was a member of it.

Q. What was the nature of this club?—A. Simply a Democratic organization; its meetings were open to all and held without secrecy.

Q. How many electors who were registered in your precinct at the last election failed to attend said election and vote?—A. Very few; not a half dozen that I know of or heard of.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. Did you wear a red shirt any time during the campaign or on the day of the election held in November, 1898?

(Objected to by counsel for contestee as irrelevant.)

A. I did once or twice at parades.

Redirect:

Q. Was the red shirt that you say you wore the uniform of your political club?—

A. It was worn by a great many members.

GEORGE H. HALL.

Sworn to and subscribed before us this the 31st day of March, 1899.

[SEAL.]

[SEAL.]

A. D. McLEAN,

J. D. JOWERS,

Notaries Public.

We, the undersigned, A. D. McLean and J. D. Jowers, notaries public, do hereby certify that the foregoing pages contain the testimony taken by and before us sitting together in the above entitled cause, pursuant to the attached notice, at Red Springs, N. C., on March 31, 1899, in accordance with said notice; the said testimony having been taken on the part of the contestee, John D. Bellamy; the witnesses examined being James Love, Calvin S. Roy, Peter Roy, John A. McPhane, R. M. McQueen, and Geo. H. Hall.

We do further certify that the notices to take depositions, with the proof of service thereof, and the subpoenas served are hereto attached.

We do further certify that a copy of the notice served on the contestee, John D. Bellamy, and the answer of John D. Bellamy, the returned member, are prefixed to these depositions.

Witness our hands and official seals this the 4th day of April, 1899.

[SEAL.]

[SEAL.]

A. D. McLEAN,

J. D. JOWERS,

Notaries Public.

Notices of taking depositions.

To OLIVER H. DOCKERY, *Contestant*,
Rockingham, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause, at Lumberton, N. C., in the court room of the court-house of Robeson County, before A. D. McLean, notary public, beginning at 9 o'clock a. m., on Monday, the 3d day of April, 1899, and continuing from day to day if necessary. I will examine the following witnesses, namely: J. N. Buie, with registration books and election returns for the years of 1896 and 1898; Luther Monroe, Stephen McIntire, D. D. Townsend, Jake Purcell, Robert Griffin, Lumberton, N. C.

JOHN D. BELLAMY,
Per W. S. NORMENT,
A. W. McLEAN,
Attorneys.

MARCH 20, 1899.

(Indorsed:) Received March 21, 1899. Served March 22, 1899, by delivering to O. H. Dockery a copy of the within.

T. S. WRIGHT, *Sheriff*,
By J. E. YOUNG, *Deputy Sheriff*.

To OLIVER H. DOCKERY, *Contestant*,
Rockingham, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause, at Lumberton, N. C., in the court room of the court-house of Robeson County, before A. D. McLean, notary public, beginning at 9 o'clock a. m., on Monday, the 3d day of April, 1899, and continuing from day to day if necessary. I will examine the following witnesses, namely: T. A. Norment, sr., Frank Gough, Lumberton, N. C.

JOHN D. BELLAMY,
Per W. S. NORMENT,
A. W. McLEAN,
Attorneys.

MARCH 20, 1899.

(Indorsed:) Received March 24, 1899. Served March 24, 1899, by delivering copy to O. H. Dockery.

T. S. WRIGHT, *Sheriff*,
By J. E. YOUNG, *Deputy*.

To the sheriff or other lawful officer of Robeson County, greeting: You are hereby commanded to summon J. N. Buie to bring with him the registration books and the election returns for the years 1896 and 1898; Luther Monroe, Stephen McIntire, C. D. Townsend, Jake Purcell, Robert Griffin, Frank Gough, T. A. Norment, sr., Lumberton, N. C., witnesses in behalf of the contestee, to appear and attend before the undersigned notary public, in the town of Lumberton, N. C., on the 3d day of April, 1899, in the court room of the court-house of Robeson County, at 9 o'clock a. m., to be examined respecting the contested election above named. Of this subpoena make due return to the undersigned at the day and place above mentioned.

ANGUS D. McLEAN,
Notary Public.

MARCH 20, 1899.

(Indorsed:) Served by reading to the within-named witnesses.

GEO. B. McLEOD, *Sheriff*.

MARCH 31, 1899.

Pursuant to the notices served on contestant, the contestee, John D. Bellamy, now proceeds to take testimony on the part of the contestee before A. D. McLean, notary public named in the notice, and J. D. Jowers, notary public associated, on motion of counsel of contestant, at Lumberton, Robeson County, N. C., on this April 3, 1899, at 10 o'clock a. m.; the contestee, John D. Bellamy, being represented by his counsel, Capt. W. S. Norment and A. W. McLean, and contestant, Oliver H. Dockery, being represented by his counsel, B. F. McLean.

FRANK GOUGH, being duly sworn, deposes and says:

Q. In what precinct in Robeson County do you reside and how long have you been a resident thereof?—A. Lumberton No. 1; I have been a resident twenty-three years.

Q. Were you present at the voting place in your precinct on the day of the election held in November, 1898?—A. Yes.

Q. Was said election held there on that day conducted fairly, openly, and honestly?—A. Yes.

Q. You stated that you had been a resident of your precinct for twenty-three years. Was the election held therein on the 8th day of November, 1898, as quiet, as fair, as open, as free, and as honest as any that you ever knew of?—A. It was.

Q. Was every elector, white and colored, who offered or attempted to vote at your precinct at said election allowed to do so freely and without molestation or interference?—A. He was.

Q. Do you know of any intimidation of voters that occurred at any time prior to said election or on the day of said election?—A. I do not.

Q. Did you during the campaign preceding said election canvass a greater part of Robeson County?—A. Yes.

Q. Was it a fact that a great many citizens who had in previous elections affiliated with the Populist party expressed their dissatisfaction with the Fusion ticket and announced their intention to vote the Democratic ticket?—A. It was.

Q. Did many electors who had previously affiliated with the Populist party vote the Democratic ticket in the last election?—A. In my precinct they did.

Q. Did many colored voters express their dissatisfaction with the Fusion ticket?—A. I heard many expressions of dissatisfaction.

Q. Was there a political club known as the White Government Union in your precinct prior to the said election; and if so, were you a member of it?—A. There was such an organization, of which I was a member.

Q. What was the nature and purposes of this organization?—A. It was a political club without any secrecy, grips, or password. Its object was to prevent fraud by the voting or attempting to vote of imported negroes from South Carolina or elsewhere who were not citizens; to see that the full Democratic vote was cast on election day.

Q. Randal Evans, a witness for contestant, swore that there was a demonstration of Red Shirts in the town of Lumberton just prior to the last election. State, if you know, what large gathering of citizens occurred at the time spoken of and what was the nature of such gathering?—A. A large gathering of citizens met in Lumberton on the 3d day of November, 1898, to attend a speaking by C. B. Aycock, at which gathering there were a scattering of persons wearing red shirts. At said time the Robeson County agricultural fair was being held.

Q. Was the gathering of citizens here on that day for the purpose of hearing a political speech and attending an agricultural fair quiet and peaceable, without disturbance?—A. It was.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. You said in your direct examination that you were a member of the White Government Union during the campaign preceding the election held in November, 1898. Did any of the members of said White Government Union arm themselves with rifles during said campaign?—A. None that I know of. I never saw a rifle during said campaign which I remember.

Q. Who was chairman of the Democratic executive committee of Robeson County during the campaign preceding and at the time of the election held in November, 1898?

(Objected to by counsel for contestee as irrelevant.)

A. G. B. McLeod.

Q. What position does this G. B. McLeod now hold in Robeson County?—A. That of sheriff.

Q. Did you not hear that this same G. B. McLeod, who was chairman of the Democratic executive committee of Robeson County during the campaign preceding and at the time of the election held in November, 1898, did on a certain night during said campaign attend a political speaking near the town of Lumberton accompanied by other parties armed with Winchester rifles?

(Objected to by counsel for contestee as incompetent.)

A. No; I never heard of any man's being armed with a Winchester rifle during said campaign in Robeson County.

Q. You referred to a gathering where a good many Red Shirts during the campaign preceding the election held in November, 1898, which occurred during your agricultural fair at Lumberton. Was there not another demonstration composed of parties clothed in red shirts on horseback during said campaign?—A. My recollection is that a political speaking was announced and many people gathered here in Lumberton, among them were some clothed in red shirts.

FRANK GOUGH.

Sworn to and subscribed before us this the 3d day of April, 1899.

[SEAL.]
[SEAL.]

A. D. MCLEAN,
J. D. JOWERS,
Notaries Public.

T. A. NORMENT, SR., being duly sworn, deposes and says:

Q. In what precinct in Robeson County do you reside and how long have you been a resident therein?—A. Lumberton precinct No. 1. I have lived here fifty years.

Q. Were you present at the voting place in said precinct on the day of the election held on the 8th day of November, 1898?—A. I was.

Q. Was the election held in your precinct on said day conducted fairly, openly, and honestly?—A. It was. I never saw a fairer election in my life.

Q. Was every elector who offered or attempted to vote at said election in your precinct allowed to do so freely and without molestation or interference?—A. They were, so far as I could see and knew, and I was there all day, except a short time while I was at dinner.

Q. You stated that you had been a resident of your precinct for fifty years; was the election held there on the 8th day of last November as quiet, as open, as fair, as free, and as honest as any that you ever knew of?—A. It was.

Q. Do you know of any intimidation that occurred at any time prior to ordering the day of said election?—A. I know of nobody intimidated at all.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. Were you a member of the White Government Union during the campaign preceding that election held in November, 1898?

(Objected to by counsel for contestee as irrelevant.)

A. I was.

T. H. NORMENT, SR.

Sworn to and subscribed before us this the 3d day of April, 1899.

[SEAL.]
[SEAL.]

A. D. McLEAN,
J. D. JOWERS,
Notaries Public.

C. D. TOWNSEND, being duly sworn, deposes and says:

Q. In what precinct in Robeson County do you reside, and how long have you been a resident therein?—A. Lumberton No. 1; I have been a resident eleven years.

Q. Were you present at the voting place in your precinct on November 8, 1898?—A. Yes.

Q. Was the election held in your precinct on said day conducted fairly, openly, and honestly?—A. It was.

Q. You stated that you had been a resident of your precinct for eleven years. Was the election held therein on the 8th day of last November as quiet, as open, as free, as fair, and as honest as any you ever saw or knew of?—A. It was.

Q. Was every elector who offered or attempted to vote in your precinct at said election allowed to do so freely and without molestation or interference?—A. Yes; so far as I know.

Q. Do you know of any intimidation that occurred at any time prior to or during the day of said election?—A. I do not.

Q. Are you a member of the firm of C. D. Townsend & Co., merchants, of Lumberton?—A. I am.

Q. Randal Evans, a witness for contestant, swore that you (C. D. Townsend), just prior to the last election threatened him (Randal Evans) with dismissal from your service if he did not stay away from the election or vote the Democratic ticket. Was this statement true?—A. It was not; I never made any threats whatever.

Q. Said Randal Evans, a witness for contestant, swore that you (C. D. Townsend) threatened one Jake Powell by telling him that he must not go to the polls and vote the "Fusion" ticket, and if he did so he would lose his employment. Was this statement true?—A. It was not; I never spoke to Jake Powell about it.

Q. Did you at any time threaten Jake Powell, Randal Evans, or any other person, on account of their politics?—A. I did not.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. Were you a member of the White Government Union during the campaign preceding or at the time of the election held in November, 1898?—A. I was.

Q. Did you wear a red overshirt during the campaign, or on the day of said election?—A. I did not.

Q. Did any of the members of your union, known as the White Government Union, procure Winchester rifles during the campaign preceding the election held in November, 1898?—A. I don't know.

Q. Did you hear that any of the members of your union, known as the White Government Union, procured Winchester rifles during the campaign preceding said election?

(Objected to by counsel for contestee as hearsay and incompetent.)

A. I heard that some Winchester rifles were shipped to this town; to whom, I don't know.

Redirect by COUNSEL FOR CONTESTEE:

Q. Do not some of the merchants and hardware dealers in the town of Lumberton, and among them your brother-in-law, L. H. Caldwell, keep Winchester rifles and other firearms in stock for sale at all times?—A. Yes.

Q. Have not such guns been kept for sale in this town by such dealers for many years?—A. They have.

C. D. TOWNSEND.

Sworn to and subscribed before us this the 3d of April, 1899.

[SEAL.]

[SEAL.]

A. D. McLEAN,
J. D. JOWERS,
Notaries Public.

JAKE PURCELL, being duly sworn, deposes and says:

Q. In what precinct in Robeson County do you now reside, and how long have you been a resident therein?—A. Lumberton, No. 1. I have been a resident here about 14 years.

Q. To what race do you belong?—A. I am a colored man. I belong to the negro race.

Q. Were you present at the voting place in your precinct on the day of the election, held in November, 1898?—A. I was, in the morning.

Q. Was the election held there on that day conducted fairly, openly, and honestly?—A. It was, so far as I know.

Q. Was every elector, white and colored, who offered or attempted to vote on that day allowed to do so without molestation or interference?—A. They were, so far as I know.

Q. Did you hear of any voter, white or colored, who offered or attempted to vote on that day in your precinct that was prevented or kept in any way from voting as he chose?—A. No one at all.

Q. What are your politics?—A. I am a Republican.

Q. Was there any regular Republican ticket in Robeson County in the last campaign?—A. No, there was not.

Q. Were the Republican voters of the county allowed to hold any convention to nominate a Republican ticket?—A. They were not, so far as I know.

Q. Do you know of any intimidation of voters that occurred at any time prior to or on the day of the election, held in November, 1898?—A. I do not.

Q. Was it a fact that a large number of colored voters who had in previous elections voted the Republican ticket announced their intention not to support the Fusion ticket because it did not represent true Republican principles?—A. It was a fact.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. What ticket did you support at the election held in November, 1898?—A. The Democratic ticket.

Q. For whom were you working during the campaign just preceding and at the time of the election, held in November, 1898?

(Objected to by counsel for contestee as irrelevant.)

A. I wasn't working for any particular man, but was farming and jobbing around for myself.

Q. Did you attend a speaking during said campaign where Dr. R. M. Norment addressed a crowd of colored voters?

(Objected to by counsel for contestee as irrelevant.)

A. I think I did.

Q. Did you see Mr. Geo. B. McLeod, the present sheriff of Robeson County, at such a speaking?

(Objected to by counsel for contestee as irrelevant.)

A. I did.

Q. Was he not accompanied by a number of white men armed with guns?

(Objected to by counsel for contestee as incompetent.)

A. There were other white men along, but I saw no guns.

Q. Did you see any guns or rifles on the night of the speaking?—A. I saw none at the speaking. I was in town during the earlier part of the night, before I went to the speaking, and may have seen a gun or a rifle in some of the stores here, but don't recollect that.

Q. Did these white men who were at the speaking on the night referred to have on red shirts?

(Objected to by counsel for contestee as irrelevant.)

A. I can't swear that they did. It was all dark outside.

Q. Did you hear anything said by Sheriff McLeod or any of the other white men who were with him to Dr. R. M. Norment?

(Objected to by counsel for contestee as incompetent and irrelevant.)

A. I heard something said by Sheriff McLeod.

Redirect by COUNSEL FOR CONTESTEE:

Q. You stated that you voted the Democratic ticket at the last election. Why did you vote the Democratic ticket at the last election when you say that you have always been a Republican?—A. Because we didn't have any Republican ticket in the field.

Q. Do you know of many other colored Republicans who voted the Democratic ticket in the last election for the same reason?—A. They stated so to me and seemed to be working to that end.

JACOB PURCELL.

Sworn to and subscribed before us this the 3d day of April, 1899.

[SEAL.]
[SEAL.]

A. D. McLEAN,
J. D. JOWERS,
Notaries Public.

JOE N. BUIE, register of deeds of Robeson County, being duly sworn, deposes and says:

Q. What office do you now hold in Robeson County?—A. The office of register of deeds.

Q. Are you the lawful custodian of the registration books, poll books, and election returns of Robeson County?—A. Yes, sir.

Q. Have you now these books and returns in your possession?—A. Yes.

Q. Give us from the proper records in your office the total number of registered electors as they appear on the registration books in your office for the election held in November, 1898.—A. The total of registered electors in Robeson County at the election held in November, 1898, is 7,399.

Q. Give the total number of votes cast in Robeson County for Representatives in Congress at the election held in November, 1898, as appears of record in your office?—A. The total vote cast for Representatives in Congress in Robeson County at the election held in November, 1898, is 6,346.

Q. Give the difference in number of registered electors whose names appear on the registration books and the number of votes actually cast for Representative in Congress at said election in Robeson County.—A. One thousand and fifty-three (1,053).

Q. Give the total number of registered electors as they appear upon the registration books of Robeson County at the election held for Representative in Congress in November, 1896.—A. The total number of registered electors as they appear on the registration books in Robeson County for the election held in November, 1896, is six thousand nine hundred and twenty-two (6,922).

Q. Give the total number of votes cast for Representative in Congress for the election held in Robeson County in November, 1896.—A. The total number of votes actually cast for Representative in Congress at the election held in Robeson County November, 1896, is five thousand nine hundred and fifty-four (5,954).

Q. Give the difference in number of the registered electors in Robeson County as the names appear upon the registration books for the election held in November, 1896, and the number of votes actually cast for Representative in Congress at the election held in November, 1896.—A. The difference is nine hundred and sixty-eight (968).

Q. Compare the number of registered voters in 1896 with the number of registered voters in 1898 and give the difference between the vote registered in 1896 and not cast and the vote registered in 1898 and not cast.—A. The difference is eighty-five.

Q. What was the increase in the number of registered voters in 1898 over the number of registered voters in 1896?—A. Four hundred and seventy-seven (477).

Q. What was the number of registered electors in Smiths precinct No. 2, Robeson County, at the election held in November, 1898?—A. One hundred and ninety-five (195).

Q. Give the number of registered electors in Smiths precinct No. 1, Robeson County, at the election held in November, 1898.—A. Two hundred and thirty-seven (237).

Q. Give the number of votes actually cast for Representative in Congress in Smiths precinct No. 1, Robeson County, at the election held in November, 1898.—A. Two hundred and seven (207).

Q. Give the number of registered electors in Blue Springs precinct No. 1, Robeson County, at the election held in November, 1898.—A. Two hundred and ninety-four (294).

Q. Give the number of registered electors in Maxton precinct No. 1, Robeson County, at the election held in November, 1898.—A. Four hundred and eighty-three (483).

Q. Give the number of registered electors in Lumberton precinct No. 1, Robeson County, in the election held in November, 1898.—A. Four hundred and sixty-eight (468).

Q. Give the number of votes actually cast in Lumberton precinct No. 1 for Representative in Congress at the election held in November, 1898.—A. Four hundred and twenty-four (424).

Q. When was the last new registration of voters in Robeson County?—A. In 1896 there was new registration in most of the precincts. In others, in 1892 and 1894.

Q. You stated that at the election held in November, 1898, there were ten hundred and fifty-three (1,053) registered electors whose names appeared on the registration books of Robeson County and who did not vote at said election. About how many of these whose names appeared on the registration book at said election had died, moved away, or otherwise became ineligible to vote in their respective precincts since the last revision of the registration books?—A. I should say there was at least 8 to the precinct; and there are 32 precincts in the county, making a total of 256.

Q. Were you present at the public speakings held in the different townships of Robeson County by the candidates for office during the campaign preceding the election in November, 1898?—A. I was at every one of them.

Q. S. A. Edmund, a witness for contestant, swore that Stephen McIntyre, a candidate on the Democratic ticket for the State senate, stated in a public speech on two or three occasions that "the Democratic party had determined to carry this election in North Carolina if they had to do it at the point of Winchester rifles." Was this statement of S. A. Edmund true?—A. It was not.

Cross-examined by COUNSEL FOR CONTESTANT:

Q. Give us the votes cast in Blue Springs precinct No. 1, at the election held in November, 1898, for member of Congress.—A. Two hundred and twenty.

Q. Give us the number of votes cast in said election for member of Congress in Smiths precinct No. 2.—A. None.

Q. Give us the number of votes cast at said election for member of Congress in Maxton precinct No. 1.—A. Three hundred and sixty-five.

Q. Did you hear Stephen McIntyre, a candidate for the State senate, at the election held in November, 1898, make any remarks in his speeches during the campaign preceding said election in regard to the use of Winchester rifles or shotguns?—A. Yes.

Q. What remarks did you hear the said Stephen McIntyre make in regard to the use of Winchester rifles or shotguns during said campaign?—A. He said that the white people were going to rule this county if they had to do it with Winchester rifles.

Q. Did you not see a public display of Winchester rifles on the streets of the town of Red Springs on the day of the public speaking in said town during the campaign preceding the election held in November, 1898?—A. No; I did not.

Q. Did you not see Maj. Geo. H. Hall on the sidewalk of one of the streets in the town of Red Springs on the day of said speaking with two Winchester rifles?—A. I did not.

Redirected by COUNSEL FOR CONTESTEE:

Q. In what precinct in Robeson County did you reside at the time of the election held in November, 1898, and how long had you been a resident thereof?—A. In Red Springs precinct No. 2. I had been a resident there about twenty years with the exception of 1891, 1892, 1893, and 1894.

Q. Were you present at the voting place in said precinct on the day of the election held in November, 1898?—A. I was.

Q. Was the said election in your precinct conducted fairly, openly, and honestly?—A. It was.

Q. Was every elector in your precinct who offered or attempted to vote at said election allowed to do so without molestation or interference?—A. Yes.

Q. Was there any intimidation of voters either before or during the day of said election?—A. There was not.

Q. You stated that you had been a resident of your precinct for twenty years; was the election held therein on the 8th day of November, 1898, as quiet, as fair, as open, as free, and as honest as any that you ever knew of?—A. It certainly was.

Q. One W. A. Barber, a witness for contestant, swore that he was interfered with on the day of said election in your precinct and that he did not know whether he voted at said election or not. Did you see said W. A. Barber cast his ballot on that day at your precinct?—A. Yes; I did.

Q. Did he vote without molestation or interference?—A. Yes.

Q. Was any voter interfered with in any way whatever at said election in your precinct?—A. No.

Q. What was the number of electors registered in your precinct at the election held in November, 1898?—A. Two hundred and forty-three.

Q. What was the number of votes actually cast for Representative in Congress at your precinct in said election?—A. Two hundred and seventeen.

Q. You stated that there were 243 electors whose names appeared upon the registration books of your precinct at said election. About how many of these whose

names appeared upon the registration books had died, moved away, or otherwise become ineligible since the last revision of the registration books?—A. Between 12 and 20; we counted it up at one time.

JOE N. BUIE.

Sworn to and subscribed before us this the 3d day of April, 1899.

[SEAL.]
[SEAL.]

A. D. McLEAN,
J. D. JOWERS,
Notaries Public.

We, the undersigned, A. D. McLean and J. D. Jowers, notaries public, do hereby certify that the foregoing pages contain the testimony taken by and before us, sitting together in the above-entitled cause, pursuant to the attached notices, at Lumberton, N. C., on April 3, 1899, in accordance with said notices: the said testimony having been taken on the part of the contestee, John D. Bellamy; the witnesses examined being Frank Gough, T. A. Norment, sr., C. D. Townsend, Jake Purcell, and Joe N. Buie, register of deeds of Robeson County.

We do further certify that the notices to take depositions with the proofs of service thereof and the subpoenas served are hereto attached.

We do further certify that a copy of the notice served on the contestee, John D. Bellamy, and the answer of John D. Bellamy, the returned member, are prefixed to these depositions.

Witness our hands and official seals this the 4th day of April, 1899.

[SEAL.]
[SEAL.]

A. D. McLEAN,
J. D. JOWERS,
Notaries Public.

Notices of taking depositions.

TO OLIVER H. DOCKERY, *Contestant, Rockingham, N. C.*

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at the United States court room in the post-office building in Wilmington, N. C., before John J. Fowler, notary public, beginning at 10 o'clock a. m., on Monday, the 10th day of April, 1899, and continuing from day to day if necessary. I will examine the following witnesses, namely: Ed Warren, T. D. McCaleb, R. H. McKoy, Matt Bremer, Col. J. W. Atkinson, Dr. W. W. Harriss, J. H. Chadbourn, jr., Sam. Northrop, J. D. Bellamy, W. E. Springer, J. N. Jacobi, Wilmington, N. C. This the 3d day of April, A. D. 1899.

JOHN D. BELLAMY,
PET JUNIUS DAVIS,
FRANK McNEILL,
GEO. L. PESCHAU,
THOS. W. STRANGE,
W. B. MCKAY,
Attorneys.

(Indorsed:) Received April 3, 1899. Served the 5th day of April by delivering a copy of the within to Col. O. H. Dockery.

T. S. WRIGHT, *Sheriff.*
By M. L. HINSON, *Deputy Sheriff.*

To the sheriff or other lawful officer of New Hanover County, greeting: You are hereby commanded to summon Ed Warren, T. D. McCaleb, R. H. McKoy, Matt Bremer, Col. J. W. Atkinson, Dr. W. W. Harriss, J. H. Chadbourn, jr., Samuel Northrop, J. D. Bellamy, W. E. Springer, J. N. Jacobi, Wilmington, N. C., witnesses in behalf of the contestee, to appear and attend before the undersigned notary public in the town of Wilmington, N. C., on the 10th day of April, 1899, at court room, post-office building, at 10 o'clock a. m., to be examined respecting the contested election above named. Of this subpoena make due return to the undersigned at the day and place above mentioned.

[SEAL.]

JNO. J. FOWLER, *Notary Public.*

(Indorsed:) Executed April 8, 1899, on the within-named persons.

WM. SHEEHAN, Sr., *Constable.*

Pursuant to the annexed notice to Oliver H. Dockery, which is made a part of these records, and in accordance with the subpoena attached hereto and also made a part of these records, I, J. J. Fowler, a notary public, resident in the Sixth Congressional district, selected by the contestee for the purpose of taking the depositions in the within cause, did convene court in accordance with the notices attached

hereto at 10 o'clock a. m. on the morning of April 10, and thereupon upon motion of Oscar J. Spears, counsel for Oliver H. Dockery, the contestant, who was present, T. E. Wallace, a notary public, was associated with me to take the depositions or testimony of the witnesses hereunto attached.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

Pursuant to the annexed notice to Oliver H. Dockery in the above-entitled cause of the taking of depositions or testimony of John D. Bellamy, the contestee in this cause, I, J. J. Fowler, a notary public resident in the Sixth Congressional district in North Carolina, together with T. E. Wallace, a notary public associated with me at the instance of the contestant, under authority of law conferred on me by section 110 of the Revised Statutes of the United States, on the 10th day of March, in 1899, in the city of Wilmington, N. C., both Oliver H. Dockery, contestant, and John D. Bellamy, contestee, being present by their attorneys, proceeded to take the depositions or testimony of the said John D. Bellamy, the contestee in this cause, which said depositions or testimony is hereunto attached.

JOHN D. BELLAMY, the contestee, in the case of Oliver H. Dockery, contestant, ~~against John D. Bellamy, contestee, in the case of contest in the Sixth Congressional district in North Carolina, for the contestant seat in the Fifty-seventh Congress before J. J. Fowler and T. E. Wallace, notaries public in Wilmington, New~~ Hanover County, N. C., on the 10th day of April, 1899, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. John D. Bellamy; just 45 last week; residence, Wilmington, N. C.

Q. Are you the Congressman elected from this district?—A. I am.

Q. Did you read the testimony of one S. M. Cole, a witness for Oliver H. Dockery, the contestant, taken at Laurinburg February 27 last, in the present case?—A. I did.

Q. Please state in substance that testimony.—A. One S. M. Cole stated that in a private conversation had with me at Old Hundred that I said that they, meaning the Democrats, were going to have the election if they had to carry it at the point of the bayonet. He further stated upon a question in reference to it who was present. He said that no one was present except himself and me.

Q. Will you please state whether the testimony given by S. M. Cole in that particular was a truthful quoting of what you said?—A. I will state that his statement is absolutely and positively false; that I did not entertain such a thought; I did not express such a thought, and would have been opposed to any such idea if I had thought that my party desired or expected to resort to such a thing. I will state that I never saw the man before that day, and never have seen him since from that day to this; that I do recollect upon going from Gibson Station, where I had spoken the day previous, to Old Hundred to take the train, while waiting for the approach of the train I saw several parties who were said to have been voters. I sought an introduction to every one of them, and had something pleasant to say to each, and I think possibly and exceedingly very probable that I spoke pleasantly to this man Cole, but as to using such language or intimating such language or entertaining such a thought, I will say every word of it is untrue.

Q. Did you read the depositions of one Seerest, a witness for Oliver H. Dockery, the contestant in this case, taken at Monroe, Union County, in the present case?—A. Yes; I did read it.

Q. Will you state, in substance, what that testimony was?—A. Although I hardly think it is necessary to contradict the statement of Mr. Seerest, as his character has been shown by a number of witnesses to be very bad, I will do so. He stated that he was present at a political speaking where I addressed the assemblage, at a school-house in Union County, and that I stated that the people of Wilmington were armed with Winchester rifles and were going to carry the election if it was necessary to shoot down the negroes. I say in reply to that, that statement of Mr. Seerest is absolutely false: what I did say, and what has been testified to by other witnesses who heard me, was this: After I had discussed the policy and principles of the Democratic party and its position upon national questions, I came down to the question of the bad government of North Carolina under Fusion rule in State affairs, and then finally in local matters. I stated to the assemblage as a reason why the Fusionists should be hurled from power and control in North Carolina was that they had subjected the citizens of Wilmington, Newbern, and Greenville to the horrors of misgovernment and negro domination and all that that implied, and after briefly stating how the town of Greenville had been gerrymandered and put under negro control, and how the city of Newbern had been likewise treated, I then came to the city of Wilmington, where I resided and was familiar with the state of affairs. I stated that as a

result of Fusion legislation the city had been put under negro control, substantially; that although the white people owned about 97 per cent of the property and paid that much of the taxes of the city, that we had a board of aldermen with a white man for mayor who didn't own a foot of land in the county and paid comparatively little or no taxes; that three or four of the board of aldermen were negroes; that forty of the magistrates were negroes; that from fourteen to seventeen of the thirty on the police force were negroes; that nearly all of the deputy sheriffs in the county were negroes; that the register of deeds of the county was a negro; that every health officer of the city, a very important position, was held by negroes; that one of the three county commissioners was a negro; and the result of it was that a horrible state of misgovernment had been brought about; that night after night burglaries and robberies took place in town without any detection; that within about 800 feet of the city hall six burglaries had been committed within ten days without a detection; that one burglar had been arrested in a lady's residence, a negro burglar, was captured and held by the ladies until a police officer arrived, and that although the offense was punishable by death and not bailable, he was taken to the city hall and there let off on his own recognizance—or a straw bond, I have forgotten now, which—and the negro escaped; that murders and crimes of all characters were of constant occurrence; that within about a year six murders had taken place in the county; that the negroes showed an utter disrespect for and defiance of the law; that the city authorities, in the exercise of their discretion upon sanitary matters, had located a hospital for infectious diseases on the outskirts of town, and the negroes, several hundred in number, a complete mob, armed with guns, pistols, and other weapons, went out, attacked, shot into, and burned it down, and the mayor and policemen, although remonstrating, were powerless to resist it, and none of the said negroes were ever arrested or tried for the offense; that in the trial of causes in the court-house it was impossible to convict a negro of crime where a question of credibility arose between white witnesses and negro witnesses; that the juries composed partially of whites and partially of blacks would retire and a hung jury was the result, the negroes always voting solidly in the jury box in favor of the acquittal of the negro, if a negro was on trial. I recollect especially reciting an instance of my own experience, where I told them that I prosecuted for Mr. Hamme, a very gallant and reputable citizen, a hat merchant of this city, who was assaulted in broad daylight in his store by Richard Holmes, a negro policeman, and struck between the eyes with a pair of brass knuckles and felled senseless to the floor, and that on three trials, although the defendant himself, Holmes, did not take the stand, that the jury, although the evidence was uncontradicted, failed to agree a single one of the three times, standing the first time nine whites for conviction and three negroes for acquittal; the second trial taking place at the next term of court, all the white men on the jury stood for conviction and the negroes on the jury for acquittal; on the third trial, which took place at a subsequent term, it likewise stood eight or nine—I have forgotten the number—whites for conviction and three or four negroes for acquittal, according to the number of negroes on the jury, and that finally the Fusion solicitor, although I myself was assailed in the prosecution, neglected the case without even consulting me; that day after day white ladies while walking the streets of the city were insulted, and in one instance a reputable young lady going to the cemetery was shoved from the sidewalk by a negro woman and struck over the head with an umbrella; that the daughter of one of the ablest divines of the city was brusquely hurled up against the fence and bruised by a negro on the streets in the broad daytime; that indecent remarks were made to ladies walking the streets by negroes, and complaint after complaint being made to the city authorities which were the ones I have before related to you, they found themselves unable to repress it; that property and life were not safe, and that good order could not be secured in the town; that the city authorities were totally inefficient to secure it; that the Chamber of Commerce, a representative business body of the city, presided over by a Republican as president, passed resolutions stating the city authorities were unable to secure law and order substantially, and calling upon our people as a matter of business and self-preservation without regard to politics to change the existing order of affairs. That in consequence of this demoralization that I had been informed that the white people of the city had ordered several thousand Winchester rifles to protect the lives, the property, and the welfare of the people, and that I deplored any conflict, and that I hoped none would come, but if it did come and a race riot ensued that a very fatal result would come to the negroes. I did not state in that speech or in any speech made in the campaign that the whites were going to carry the election by force or fraud or any illegal means, and if I had thought so I say most positively that I would not have countenanced it, and I would have advised against it; and I say further that as far as my knowledge, information, and belief extends, there was no such purpose on the part of the Democratic party or the white people to carry the election by force or fraud, but there was a determination by every legal, peaceable, and energetic means, such as argument and the

like would prompt, as a matter of self-preservation to our people, to hurl from power the Fusionists then in control and restore peace, law, order, and good government to our distracted State. I will state further that having made those statements in that speech and substantially the same thing in many others that I delivered during the campaign, I now again affirm that the statements made are a statement of the true condition of affairs as they existed in Wilmington, and if I have failed in the statement, it was in not stating other and greater wrongs which actually occurred and which I forgot to mention, among them being the publication in a negro newspaper published in the city of a vile and slanderous attack upon the virtue and reputation of the white women of our State.

Q. Did you hear the testimony given in here by Col. John D. Taylor, clerk of the superior court of this county, in reference to the tabulated returns of this county, etc., and have you any comments to make thereon?

(The contestant objects to any statement being made upon the testimony given by Col. John D. Taylor, the clerk of the superior court and the lawful custodian of the registration books and election returns of the election occurring with others November 8, 1898, to so much at least of the testimony of said Taylor based upon and a part of such said records.)

Question withdrawn.

Q. Did you read over the tabulated election returns produced and put in evidence by Col. John D. Taylor as to New Hanover County in his testimony, and did you observe any errors as to calculation, or any other clerical errors in the same? If so, please state.

(Contestant objects to an answer to this question being given upon the ground that it is incompetent, because in the first place no tabulated election returns were or could properly have been given by Col. John D. Taylor, clerk of the superior court of New Hanover County and the legal custodian of the registration books and election returns of the election, with others occurring November 8, 1898, and if there be as a part of his evidence tabulation, it was made and done (such tabulation) by him in the giving in evidence by him responsive to some question or questions asked him, and no impeachment thereof can be made by this witness, the contestee and respondent in this cause, such witness, Taylor, being his witness, and by him, of course, not impeachable.)

A. I do not intend to impeach Colonel Taylor's statement, but simply state that in adding up the column of votes actually cast at the last election and returns, there was a mistake in the addition, which shows for itself in the table. It should be 135 less; it is a mere arithmetical calculation. I detected this the day it was given in and called it to Mr. Spears's attention, and he and I both added it up and found the error.

Q. State, if possible, more particularly wherein the error of 135 votes referred to by you was made.—A. He counted the 135 votes in Masonboro Township twice, when it ought to have been only once.

Cross-examination:

Q. Mr. Bellamy, are you prepared to state how many and where, during the campaign preceding the election involving the question we are seeking to settle in this cause, speeches you made as a candidate for Congress in the Sixth Congressional district?—A. I was nominated on the 8th day of July, in the city of Wilmington, and the next day or the day following I went into the campaign, shut up my office, and devoted four months' continuous work to the cause. I made speeches in every county of the nine of this district except New Hanover, my home county, where I was born and reared, and where I didn't think it was necessary to speak, as I am prepared to say I know almost the entire voters of the county personally. I can not recall the number of speeches made, but it is upward of a hundred. I spoke as often as twice every day for a week, according to the requirements of the committees in the counties where I went. I know in Union County I did that, and likewise in Anson, and several times in Mecklenburg.

Q. Did you not speak in every township once or more in the county of Union?—A. I can not say as to the townships, because I don't know their boundaries, but my recollection is I did make from nine to twelve speeches in that county, at different places in the county.

Q. Mr. Bellamy, are you acquainted with Mr. R. L. Stevens, member of the house of representatives of the present general assembly of North Carolina, of the county of Union?—A. I am.

Q. Are you informed of the purport of testimony recently given by him as your witness before Notary Public M. L. Flow, of the town of Monroe, N. C., and do you admit or deny the truth of the testimony then and there given by him?—A. I am informed of his testimony. I have a copy of it, and my recollection of the testimony is what I have substantially said here to-day, and if I recollect properly, in addition thereto, he stated that the speeches that I made that he had heard were very conservative. Therefore in what you say it purports, I don't know what you mean.

Q. I mean to say that the testimony of Mr. Stevens, as then and there given, substantially states that in your speech at Stouts, in Union County, you declared that you would not be surprised if there were not at that time 3,000 Winchester rifles in the city of Wilmington, and a clash was likely to come at any time which might result in death to many. Now, was such statement of his true or false?—A. In answer to that I state that I did state in a speech or speeches, probably there, that I had been informed by drummers on the road that such was the case in reference to the number of rifles and the like, and also stated that property and life here was insecure; that negroes, I had been informed, had threatened to burn the town down with kerosene; that they had armed themselves, and with guns and pistols, as I had been informed, had assembled around the Record office, in the city of Wilmington, in a very large mob, and that if they persisted in disorder and attacked the whites such would be the result.

Q. Mr. Bellamy, do you not know of your own knowledge, or of reliable information at the time satisfactory to yourself, that a Pinkerton detective was employed to investigate conditions existing in this city previous to the election as regarded conspiracies, or a conspiracy upon the part of the colored people as a community or a part of a community of the colored people of the city of Wilmington relative to incendiaryism by them and other unlawful purposes, and that after the service of such detective he reported that no such conditions or conspiracy existed upon the part of the colored people of the city of Wilmington?—A. I do not know of my own knowledge. I had information—and yet I can not tell you my informant, but I think it must be reliable, and I am convinced that it is so—that the business men of Wilmington, without regard to politics, employed a Pinkerton detective, and instead of reporting there was no danger, my information was that it was reported that Col. Flavell W. Foster, in a meeting of Republicans, chiefly negroes, whereat Mayor Wright either presided or was present, stated to a large assemblage of negroes, leaders, that he had been informed that the negroes were thoroughly armed, and were paying for their guns at the rate of \$3.50 per month or week, I don't recollect which now, and someone in the meeting asked Foster where he got his information from, and Colonel Foster replied that the mayor of the city—pointing to Wright, who was in the chair—had told him so. That is the only information that I have about the matter, except what I saw from time to time or heard from time to time as matters of mere rumor.

Q. After the publication of the slanderous article in Manly's paper, the Record, was not there very bitter feeling here against Manly and his paper, and was there not talk of burning, tearing down, breaking up, or otherwise destroying his printing press and the building in which the same were located, and was not such rumor and talk the occasion for the demonstrations made by the colored people alluded to by you in your speeches, and was not such so-called mob assembled with the ostensible purpose at least of protecting Manly, his press, and office from the hands of those who, it was thought, had purposed to destroy the same?—A. After the publication of the insult in the negro paper against the virtue of the white women, particularly of the poor white women, as Manly himself expressed it, there was great indignation among the laboring white men, and it was bitter; but all the Democratic leaders and all the white men of influence, Republican and Democrats alike, reasoned with our white people and told them to bear with patience the insult until after the election, and the people of Wilmington, with a forbearance which was sublime, waited patiently and peaceably, without resorting to force or intimidation, until after the election had taken place and passed before there was any concerted effort to expel Manly from town, which did not take place until some time after the election. As to whether there was any talk or determination to tear down or burn up his press before the election, I do not know. I never heard that there was. The bitterness that was engendered by the article was directed against Manly alone as an individual who wrote the slanderous article. I was not in Wilmington at the time the slanderous publication was made, nor was I there at the time of the mob of armed negroes surrounding Manly's printing press, and as to that I can not answer. As to the mob that surrounded the hospital, I was present in the city of Wilmington when that took place, and recollect well the event. There were said to be 500 or 600 armed negroes around the hospital at the time it was riddled and burnt. In further answer, I state that my information was the negroes had been armed long before Manly's printing office was surrounded by a mob of them. In fact, it is true that there is nothing so common in a community the majority of which are negroes as to know that they constantly carry concealed weapons. The court records show that from time to time, as a matter of frequent, almost daily occurrence, the razor, the pistol, the slingshot, and the brass knuckle seem to be their inseparable accompaniments as a class. Of course, this does not apply to all negroes, because there are some very respectable, law-abiding, and property-acquiring citizens of that race, but it is a very small proportion of them.

Q. You had allusion in your speeches to a mob of colored folks who destroyed a pesthouse. Is it not a fact that such pesthouse was in the thickly populated or

thought to be dangerously near by such thickly populated section of colored residents?—A. To the contrary, it was not. The building that they destroyed, together with the adjoining one, was owned by Mr. Chadbourn, and they were the only houses in that whole block, the balance of it being owned by myself, and that block is in the extreme northeastern part of the town, there not being north of it within a block a single residence; east of it, not a single dwelling for nearly a mile; south of it, not a single dwelling for nearly one-half a mile; west of it, in the block opposite, there are a number of houses, but the spot is about as well isolated as any spot that could be selected for such purpose.

Q. Was not the proximity, however, of the destroyed pesthouse to a residence section of the city of Wilmington the alleged reason for its destruction?—A. I think it was; but it showed the utter disregard of the negro element for law and order.

Q. You say that by its destruction you yourself as a property owner sustained loss?—A. I did not say so. I said that I owned the whole of the block except the part on which the two houses were that were burned, and those were owned by Mr. Chadbourn.

Q. Were there buildings on the block a part of which were owned by you other than those destroyed by fire?—A. None whatever. My land was vacant, without a fence around it. The house that was destroyed was, I think, a four-room house, new, built by Mr. Chadbourn, and also an old store or storehouse next east of it.

Q. Would you not consider a building so near you as the building destroyed was near other residences of the city of Wilmington dangerous to your health or the safety of your health and that of your family, and consequently a nuisance to yourself and others living as near to the same as you would be under the conditions named if the same were designated, appropriated, and used as a pesthouse?

(Counsel for contestee object to the question on the ground that it is incompetent, irrelevant, argumentative, and immaterial.)

A. As I recall, the city of Wilmington owned a hospital or pesthouse for the treatment of infectious diseases just below and south of the city. At that time that hospital had been burnt down or became unfit for use in some way. The board of health got permission of Mr. Chadbourn to use this building as a temporary matter until they could have the old building restored, and therefore under the circumstances and the necessity of the occasion, and considering the locality where it was placed, isolated as it was, I do not now, nor did I then, regard it as a nuisance. It was a temporary matter merely.

Q. Mr. Bellamy, can you recall the date, or about the date, of the destruction of this pesthouse?—A. I think it was about a year, or within a year and a half, before the election. I learn, however, upon suggestion made, that it was February, 1898, and now know that it was. I recall that it was in the early spring. I own a plantation out that way and had to pass it, and it was in the spring of the year, when we were planting.

Q. Now, Mr. Bellamy, is it not a fact that this incendiarism had no political significance, in so far, at least, as went the purposes of the parties composing the mob at that time?—A. I do not think that it had any political significance, but it simply shows the want of respect for law and order; and I do not think that the indignation and bitterness of the people toward Manly had any political significance whatever. It was simply the indignation of the white people toward a negro who would so scurrilously defame white women.

Q. Is it not, however, a fact that this slanderous, false statement published by Manly was used with the especial purpose in the campaign preceding the election that occurred on the 8th day of November, 1898, to draw political racial lines between the whites and the blacks or negroes by yourself, canvassers for you, and speakers of the Democratic party throughout the Sixth Congressional district and even beyond its boundaries, covering possibly every county and township in the State of North Carolina; and do you not know as a fact and as a politician that it was prized as a strong card by Democratic campaign managers, Democratic candidates for office, Democratic canvassers, Democratic editors, and even the Democratic masses?—A. I will answer by stating first that I am not a politician, as your question would seem to indicate. I am a lawyer and a business man, and happened simply to be the candidate for the Democratic party to Congress in the last election. The fact of the publication of that article by Manly I know was used in the campaign as an argument to show what comes to pass in North Carolina when the negro is virtually in control of the government. So long as the white people are in control the negro as a citizen is law-abiding and peaceful, but just as soon as the politician panders to him and puts him virtually in control of affairs he becomes disorderly, defiant, insolent, reckless, and does not make a good citizen as a class, and the argument was used to show that such a thing as a vile and base slander published in a newspaper could not have taken place, and would not have taken place, together with the outrages that I have before enumerated in this testimony, while the white people representing the intelligence, the property, and the moral worth of

the community were in control of its affairs; that was the tenor of the argument that I used, and from all that I can learn, used by other speakers in the campaign. In other words, that the safety of our homes and firesides and the security of life, order, and peace, and the material interest of our people depended upon the restoration of the white people, represented by the Democratic party, to power again in the State.

Q. Did this editor, Manly, hold any office in the State, county, or municipal governments at the time of the publication of his slanderous article?—A. Yes; at that time, or shortly previous thereto (I can't say positively as to the time), he was and had been the first deputy register of deeds of this county for a year or more, and practically the register of deeds.

Q. Mr. Bellamy, is there any such office known to our constitution and laws as the office of deputy register of deeds?—A. There is none; but this man Manly was virtually in charge of the office of register of deeds, and my recollection now is that Norwood, the register, was sick or crippled by being thrown out of a buggy and had his leg broken, and my recollection, further, is that Manly had been in his office a long time before that, and that he was appointed and sanctioned by the Republican board of county commissioners and called a deputy register—probably he was sworn in as deputy register.

Q. Do you not know as a fact that during the last gubernatorial campaign in North Carolina that this man Manly, with his paper, The Record, and otherwise, opposed first the nomination of Daniel L. Russell as the Republican candidate for governor of the State of North Carolina, and do you not know as a fact, or at least have you not information satisfying you of the truth, that after the nomination and up to the election that Manly and his paper still opposed the Republican candidate for governor and fought him to the finish?—A. I do not; I never saw but a few copies of The Record in my life; I think I have heard that Manly was opposed to Russell's nomination; in fact, most of the negroes in Wilmington expressed themselves that way, because Russell had used the language which has become celebrated in this State, "that the negroes were no more fit to govern than so many heathen dumped down from pagan Africa or pagan Asia;" and a good number of them had heard his speech which he delivered at Southport at a jury trial on one occasion when a number of negro stevedores from Wilmington were present, and I was defending the case, in which he said, to the great disgust of the Wilmington negroes present, "that the negroes as a class would steal all the week and shout it off on Sunday," and a great tirade of the same kind; and I heard a great many influential negroes in Wilmington say that they were opposed to Russell's nomination on account of his speech at Southport, which a number of them heard, and the further language that he used in reference to their not being more "fit to govern than heathens dumped down from pagan Asia." This gentleman is governor of the State, and his residence was formerly Wilmington, N. C.

Q. Mr. Bellamy, were you present at the opera house in the city of Wilmington on the occasion that Col. Alfred M. Waddell, the late and present mayor of the city of Wilmington, delivered what is known as his famous speech regarding filling Cape Fear River with the carcasses and bodies of dead negroes?—A. I saw and read Colonel Waddell's speech the next day after it was delivered. He did not use the language which you say that he used, and he has been misquoted. I was not present when he delivered the speech, but I am assured that he used no such language as by inference that your questions asked certain witnesses in a former examination would indicate—that the Democrats intended to carry the election if it was necessary to fill up Cape Fear River with the carcasses of dead negroes. What was said in his speech was that the whites would not longer submit to the intolerable condition of affairs, referring to the indignities and insults offered by negroes to white women, the perpetration of the unmentionable crimes, and other like intolerable conditions, even if it were necessary to fill up the river with dead carcasses, but it had no reference to carrying the election, and I think Colonel Waddell, who is one of our most prominent citizens in the State, is done a great injustice by such an insinuation.

Q. Is not Colonel Waddell possibly and probably the most representative Democrat and citizen of the city of Wilmington and of the county of New Hanover, N. C.?—A. He is the citizen having the greatest reputation as an orator, as a rhetorician, as a gentleman of culture and refinement that we have, but I can't say that he is the most representative Democrat. Colonel Waddell has a national reputation, very justly deserved, as an orator and writer. I can say, further, that I think he is a very good lawyer.

Q. Was not Colonel Waddell the chairman of the committee of twenty-five which destroyed the Manly printing office and press a day or two after the late election, which occurred November 8, 1898?

(Question objected to by counsel for contestee on the ground that it is incompetent, irrelevant, and immaterial, in that it involves matters occurring subsequent to the election held November 8, 1898, and, further, on the ground that all records heretofore produced show that it had no political significance.)

A. I think Colonel Waddell, as I am informed, was the chairman of the committee of twenty-five who were appointed by the citizens in a mass meeting after the election to see that Manly, the negro editor, should not longer remain in the city of Wilmington. They were, as I learned, to go to him and inform him that he must get out of the town, as the white people, who owned 96½ per cent of the property and constituted about one-half of the white population and nearly all the intelligence of the city of Wilmington, of about 25,000 in number, would not submit to the residence within its borders longer of such a base and vile slanderer. However, that committee, as I learn, were not the ones that destroyed Manly's printing house. So I am informed, a large congregation of well-disciplined citizens, composed of white people and containing among them former Republicans, Populists, and Democrats, went to his printing office to tell him that he must leave the city, but Manly, after getting there, they found, had been out of the city for three weeks or a month, although they did not know that at the time. I further learned that the house where his printing press was was not the work of the gentlemen who went there, but some hot-headed man whom I do not know set fire to it after they got there. I can state, further, that since then the white people of Wilmington have placed their hands in their pockets and liberally contributed a good sum of money—much more than the value of the property—and donated it to the negroes who were the owners of the building; and, without desiring to publish the same, I myself gave something toward it.

Q. Mr. Bellamy, were you present at any time during the destruction, or any part of the destruction, of the Manly printing office and printing press?—A. I was not present; I was not even in the crowd that went there; I don't know who went there, except upon information, and had nothing to do with it, and have never seen the building, as I recall, either prior to or since the destruction.

Q. Mr. Bellamy, were you present at the time that the revolution in the city of Wilmington changed the personnel of the city government of the city of Wilmington, by which change Mayor Wright was ousted of office and Col. Alfred M. Waddell became, instead of Wright, the mayor of the city of Wilmington?

(Question objected to by counsel for contestee on the ground that it is immaterial, irrelevant, and incompetent for the reasons assigned in like questions above referring to matters occurring subsequent to the day of election.)

A. I was present in the city, but was not present at the change of the city officials, though I have a general knowledge of what took place, and I think you incorrectly call it a revolution; the city authorities, composed of Mr. Wright as mayor, and the board of aldermen, found that they were incompetent to preserve order and take care of the property of the city; and I know this, personally of my own knowledge, that Mr. D. L. Gore, one of the members of that board, came to me and personally asked me if I would see some of the gentlemen in charge of matters in Wilmington and suggest to them that if they would put or select property owners and men of intelligence on the board of aldermen—such men as he suggested to me then, naming them—that the then present board would resign, one by one, and turn the city affairs or government over to the citizens of Wilmington; I made the suggestion as coming from Mr. Gore to several gentlemen, and afterwards, without knowing any of the details or how it took place, I know that one by one the old board of aldermen voluntarily resigned and a new member was elected to fill his place until the old board entirely went out and a new board came in. It was done decently and in order, without any friction, and under the advice of the most learned lawyers of the city. The new board that went in were men of property, education, intelligence, and influence, and were representative men of the city; and I would like to state, further, that while before that time robberies were of nightly occurrence, my own premises having been robbed as many as fifty times in two years without ever being able to detect the thief—my refrigerator always being emptied of its contents when it had anything in it worth eating—that after the new city government went into effect, robberies and depredations instantly ceased, and I have never known better order to exist in a city and our people to be more hopeful of better times and more improvement going on in the city than there is at the present moment.

Q. Mr. Bellamy, have there, to your knowledge, and would you not probably know, been any prosecutions inaugurated or completed for the destruction of the pest-house, referred to by you as having occurred in February, 1898?—A. There has not been any that I have heard of. In fact, it is almost an impossibility, if you desire to prosecute a negro, to get testimony against him; and I say this without any unkind feelings toward them, for I really have the kindest feeling in the world toward the colored man. My father was a very large slave owner, and I was reared with them; but I do know in the twenty-two years' experience that I have had at the bar, and no inconsiderable experience is it, that the negroes as a class are clamorous and will not inform on or give evidence against their own race; and I have myself been employed frequently in cases in their defense when I could confidently rely upon an acquittal in the court-house when I could see from the bill of indict-

ment that they were chiefly negroes as witnesses for the prosecution. If they fall out among themselves they will testify one against the other; but if they are on trial themselves for an offense in which they as a people are interested, or when it is a question between the white man and the black man, it is almost an impossibility to get testimony against them, and this applies to them as a race, but not to every specific individual; for, as said before, there are a good many very honorable, high toned, respectable negroes in this city; but they are not of the class that are generally engaged in such affairs or in the commission of crime.

Q. Mr. Bellamy, what was your claim as to the greatly improved condition of government and affairs in this judicial district where you have to vote? Making a Democratic selection and to your choice a city government, both Democratic in politics, has there been inaugurated the prosecution for crime committed by the destruction of the Manly printing press and building in which the same was located?

(Counsel for contestee objects to the question on the ground that it is incompetent, irrelevant, and immaterial for the reason assigned in the objection above as to matter occurring subsequent to the 8th day of November, 1898.)

A. As far as I know there has not been such prosecutions, nor has there been any prosecution against the negroes for burning down the hospital. When the election was over and affairs settled down there was a general disposition on the part of our people to grant a general amnesty as to everything that took place in the past. We are about to enter upon a new career of prosperity and happiness, and our people have a general disposition to be generous and to forget and forgive.

Q. Then, in your opinion, this kindly spirit that has come over the people of the city of Wilmington has been caused by a surrender of Republican pretensions, hopes, and efforts for government and assertion of political right with Democratic victory, accompanied with incendiarism, bloodshed, death, and revolution.—A. I do not regard the Republicans as having surrendered any rights. They have as much freedom in the expression of their opinion, in voting, and in their actions here as they ever had, and I believe I know the sentiment of the people of this community, and they are as tolerant toward one another as to their opinions as any people in the State. Northern men who come here and settle generally vote with the Democratic party in local affairs, and when they have a candidate of their views of thinking on national matters they vote for him, and I can say to their credit that they generally vote upon national matters for the candidate who represents property, decency, and order, as I have occasion to know a great many did in this last election. The Republicans to-day can secure as free and fair election, and express their views and have their votes counted in the city of Wilmington, in the county of New Hanover, as they can anywhere in the United States of America; but this liberality and disposition on the part of our people to forget and forgive is the magnanimity that comes from victory.

Q. Mr. Bellamy, aren't you familiar with the system of municipal government for the city of Wilmington inaugurated by the legislature of North Carolina at its session of 1897? If so, please state the formulated plan adopted and put in practice for the city government and its organization for Wilmington, N. C.

(Question objected to by counsel for contestee on the ground that it is irrelevant and immaterial.)

A. I am. The city of Wilmington was divided into 5 wards and has been for twenty years. Three of the wards a large majority of the property owners and white people live in, and 2 wards the negroes chiefly reside in. Necessarily, therefore, from the complexion of the residents, the 3 whites always have been Democratic and the 2 negro wards have been Republican. Each of these wards elected 2 aldermen. Three of the wards being Democratic, always gave the Democratic party 6 out of the 10 aldermen, but the legislature of 1897 amended the city charter and took away from the people the right to select the 10 aldermen, and allowed them to vote for and elect 5, and the other 5 the law provided should be appointed by the governor. Of course, the governor's appointees being of his party, making 5 together with the 2 selected from the 2 negro wards, gave the entire government of the city into the hands of the 7 Republican aldermen—4 of the 7, as I recall now, being negroes. There was a police commission existing prior to the act of 1897, which appointed the policemen, but the act of 1897 repealed that provision and devolved the appointment of the different officers of the city upon the board of aldermen.

Q. What was the politics and complexion of the aldermen put in power, not by the exercise of the elective franchise of the voters of Wilmington, but who were appointed by the governor?—A. One was a Fusionist, 3 were straight Republicans, and the fifth one was a man who had been before that a Democrat, but in the election of 1896 voted the national Republican ticket and is said to have voted for Russell for governor. I know that one of them was a negro, but I can't say how many of the others were. If there was one other of the appointees of the governor, not more than one other was a negro.

Q. What was the name of the one alderman appointed whom you know to be colored?—A. His name is Norwood, that is, I think he is the one appointed.

Q. Is he not to your knowledge a fairly well-to-do respectable colored man, owning a considerable little real estate in the city of Wilmington?—A. John G. Norwood is a respectable negro man, and a very good citizen. He owns some property in this county, a place down on the Sound I know, and I think he owns some little property in Wilmington; and he was the man who on the examination for the contestant here swore the election in his ward was as fair and peaceable as any he ever saw held and was as quiet as the Sabbath day.

Q. Mr. Bellamy with 10 aldermen in the city of Wilmington, three of whom were Democrats and the others respectable men of the Republican and Populist party, what financial management or conduct was the board of aldermen of the city of Wilmington guilty of committing or permitting that so excited the indignation, contempt, condemnation, if not exasperation of the business men of the city of Wilmington conducting the city's affairs financially?

(Question objected to by counsel for contestee on the ground that it is immaterial and irrelevant, in that it has already been shown that the board of alderman at that time were considered incompetent by reason of the fact it has been testified to by witness that they inspired respect in neither the Republicans, Populists, nor Democrats, and counsel for contestee do herewith protest against the unnecessary promulgation of this examination.)

A. There were not three Democratic aldermen on the board; three had been elected, and on account of the advice of members of the bar that the act of the legislature devolving upon the governor the right to appoint aldermen of the city of Wilmington was unconstitutional and void, as being an infringement of the right of local self-government, as had been, I may say, frequently decided by Judge Cooley, of Michigan, and other eminent authorities, these three aldermen resisted through the courts the right to appoint, and refused to sit with the appointed aldermen, and their places were declared vacant, and, as I recollect, were filled with Republicans, and the supreme court of North Carolina, to the astonishment of members of the bar and the profession generally, held the act to be constitutional. Now, as to the financial mismanagement complained of—while there was some, that was not the principal grievance. Our people did complain very bitterly of the board of aldermen putting into the hands of four or five attorneys the collection of between \$60,000 and \$100,000 back taxes, which was an extraordinary amount to what they are a tax collector, but the grievance that they complained of chief was the mismanagement of the affairs of the city other than financially; the city assets which had been shelled, that is a sort of a macadam placed upon it by the preceding board of aldermen of our people, was allowed to go to waste, and immense holes were allowed to wear therein without even being repaired; paper and other dirty materials were allowed to accumulate on the streets, even in the business portions of the town; cattle and hogs were permitted to roam the town without proper check, as the owners of flower gardens and private premises so well know. Constant brawls would take place at places of ill fame; the chief of police himself was thought to be connected with them; the chief of police himself was frequently found gambling or playing cards rather in bar rooms; the mayor himself was suspected and seen constantly to go to and was an habitue of a well-known gambling den of the city, and matters of like kind decides what I have already stated to-day that I stated in some of my speeches. Another thing, as one of the conditions of affairs here: As soon as the Fusionists got in control of affairs here the negroes who were in the country, thinking their time had come to get employment under the city government, such as we had, left the farms in large numbers and came to the city; they came here from all parts of South Carolina also, and such a state of vagrancy and idleness among the negro population I never saw before nor since. I have seen frequently myself from fifty to one hundred idle negroes loafing around the wharf at the foot of Market street without any occupation whatever, and almost every night burglaries taking place, chicken coops robbed; not even a single attempt was made as far as I ever heard of to arrest a single man for vagrancy. In fact, to state the truth unvarnished, the condition here was intolerable.

Q. How many Democratic magistrates, if any, resided in the city of Wilmington during the time that the conditions of which you complain—vagrancy, and other crimes, felonies, and misdemeanors—were of such frequent occurrence?—A. There were a few left over whose time had not expired; how many I can't say; but I do know their hands were pretty full of the trial of cases.

Q. What were the politics of the five lawyers of whom you spoke as having been employed by the city government of Wilmington to secure the collection of arrearage of taxes; what were the fees paid, and amount covered in the city treasury in consequence of their employment and work?—A. Mr. David B. Sutton was city attorney; he was a Republican, and the books were turned over to him with the authority to associate others; he had as an associate Mr. Russell, the present governor, a Repub-

lican, Mr. McClammy, a Democrat, Messrs. Ricand and Weill, Democrats, Mr. Lockey, afterwards associated, a Republican; Mr. Sutton soon gave up, left here, went into the Army, and was then sent to Fort McPherson prison for some high crime; I do not know the specific offense; the amount, if I recollect properly, that these attorneys was to get was 20 per cent; I do not know the amount recovered, but it has been quite a large amount.

Q. From whom largely was this amount recovered?

(Question objected to on the ground that it is immaterial, irrelevant, and incompetent.)

A. Chiefly from people who were so unfortunate as not to be able to pay their taxes on account of poverty.

Q. Was not a large amount of this tax collected from a wealthy railroad corporation?—A. No, sir; the back taxes I allude to had no connection with the railroad taxes; they were taxes due chiefly by the poor people of this town.

Q. What political party controlled the municipal government of the city of Wilmington in 1896, 1895, 1894, 1893, 1892, 1891, and 1890?

(Question objected to by counsel for contestee on the ground that it is immaterial, irrelevant, and incompetent, in so far as it can have no bearing on the result of the election determined November 8, 1898.)

A. From 1895 upward to 1898 inclusive the Fusionists; prior to the legislature of 1895, from 1890 to 1895, the Democratic party.

Q. Did not process for the collection of arrearages of taxes spoken of begin with the new régime of city government under Fusion auspices after 1895, and for taxes that had accumulated but not collected under former Democratic administrations also.

Q. How under former Republican administrations, Mr. Bellamy, could the collection of taxes by distress have been made with the lapse of more than three years before the inauguration of plans and the institution of process for such collection of taxes?—A. You seem not to be familiar with the law in reference to the collection of taxes in North Carolina by asking that question, when the supreme court of North Carolina has held that the statute didn't run against the State in the collection of taxes. The back taxes extended all the way from 1866 up to 1895, and twelve years at least of that time or more was under Republican régime. The legislature of 1895 passed an act which I think is a discredit to North Carolina, giving to the city of Wilmington the right to employ an attorney to collect back taxes, with some provision in the bill which actually made the taxpayer indictable for a felony, and subject to be confined for a term of years in the State penitentiary if the taxpayer whose property was sold attempted to interfere with the purchaser, and while I pay my taxes always and believe that others ought to be made to do so, yet in the particular instance, in reference to Wilmington, it is a very great hardship at this late day to be interfering with widows and children and poor people generally, who chiefly on account of poverty have been unable to pay their taxes in years gone by, and which have been allowed to lapse.

Q. Is it not a fact, Mr. Bellamy, that by the act of the legislature (with which I admit a want of familiarity) providing for the collection of arrearages of taxes, that they were only authorized to collect from 1890 and 1895, inclusive, the arrearages of taxes; and is it not a fact that no arrearages of taxes back of 1890 were collected by the new board taking charge of the affairs of the city of Wilmington in 1895? I ask this question with and in accordance to the suggestion of my memory as to that legislation, having had no special reason to charge myself with its care.—A. No, it is not true; it permitted them to go back, and they did go back and collect back taxes prior to the year 1875.

Q. Mr. Bellamy, is it not a fact, that under the advice of the politicians throughout this the Sixth Congressional district, to the extent, at least, of a large majority of them, the organization of Red Shirt companies or brigades, as they were called, armed with Winchester rifles parading barbecues, public political speakings of the Democratic party, and for campaign work generally, calling upon all white men to vote the white man's ticket, discouraging even to the extent of threatening Republican speakers—terrorizing Republican voters—were called upon and used for political purposes of the Democratic party to secure Democratic success in the Sixth Congressional district; and is it not a fact that this action was had by the said Red Shirts throughout a large part, if not most of the Sixth Congressional district; and do you not know the fact, if not of your own knowledge, from reliable information satisfactory to yourself, that there were men killed in this district during the late campaign just preceding the election that occurred on November 8, 1898; and, further, do you not know, if not of your own knowledge, are you not satisfied of the truth that many men were threatened, intimidated, and some scourged for the sake of their political professions, actions, and declarations; and do you not know, if not know, do you not believe that the state of political excitement amounted to terrorism and intimidation throughout the Sixth Congressional district in a degree theretofore

unknown to you?—A. To answer that question I will state first, generally, it is not true. Specifically, I will answer as follows: I do not believe there was and never heard there was any advice of the politicians throughout the Sixth Congressional district, to the extent at least of a majority of them, should form Red Shirt organizations, as you call them, for any such purpose as you state. I stated to-day that I made probably over one hundred speeches in this campaign. I can truthfully say that at not a single speaking that I attended during the entire campaign did I see or know of a man having a red shirt on. I never heard that there was any such organization as a Red Shirt Organization in the county of Mecklenburg, or Union, or Anson, or Columbus, or Brunswick, or Pender, being six of the nine counties of this district. I have heard and did hear that there were men, and they were gentlemen, many of them men of property and character and influence, who wore a red shirt at some of their political meetings as a simple badge of their Democratic club, just like I have seen them in the North and elsewhere throughout the land, a certain hat as a club badge, or a certain coat as a club badge, or a certain walking stick as a club badge, and the red shirt, so far far as I have heard and believe, was nothing but an ordinary club badge worn by members of some clubs. I have heard of some being worn in the county of Richmond in the vicinity of Laurinburg, and have heard of some on the borders of Richmond County, in Robeson, near Red Springs, and I have heard that some few boys in Wilmington, probably some 20 or 25 wore some here, but nowhere else in the district, and I do say that so far as there being such an organization formed for the purpose of terrorizing, it is all bosh, and nothing but a piece of political clap trap. I will state that I did not hear and have not heard that there was a man or men killed during the last campaign preceding the election for political purposes, or on account of politics. I have heard that there was some man killed in Richmond County, on account of his informing as to some violation of the internal-revenue law by someone up there, but whether that be so or not, I do not know; and I do not know and I am not satisfied that men were intimidated and scourged for the sake of their political profession. I will state that this district that I have the honor of living in is the largest, most populous, and extensive district in this State. It is over 250 miles in length, and contains two or three different classes of population; the Scotch-Irish of Mecklenburg, the Scotch of the Robeson and Richmond section, and the English, and you may call Yankee settlers of the vicinity of Wilmington, a good many of whom coming from New England. The people in the various sections have little acquaintance with each other, and are almost as distinct as if they lived in separate States, and while the two largest cities of North Carolina lie in this district, the city of Charlotte at the western end, the city of Wilmington at the eastern end, yet even those two cities have comparatively little or no business connection or interchange. If there were a matter of terrorizing as you intimate there was in Richmond County, it had no more effect upon the people of Mecklenburg than it did upon the people of Virginia. Our country is thinly settled, and actually people in some portions of the district, yea, a large number of them, don't know what counties compose the district.

Q. Is it not a fact that the Carolina Central Railroad leaving Wilmington and running westwardly almost on an air line runs nearly through the middle of every county in the Sixth Congressional district, except the counties of Pender, Brunswick, and Columbus, and that Wilmington with each of these last named has water or railway connections?—A. The road runs through or near the center of a good many counties as you state, but the people of Charlotte, in the Mecklenburg section, are on the line of the Southern Railway, which is the great artery that runs through that section both to north and the south, and their business and social relations are with and along that great highway. The people of the Scotch section are along or near the Seaboard Air Line System and a great deal of their business is along that way; the people of this section, their business relations and connections, are chiefly along the Atlantic Coast Line System.

Q. Have you not read the evidence (returning to the subject of the question asked previous to the last) of a number of witnesses who testified for the contestant in this case in Richmond County, in which they stated that their homes had been broken into in the nighttime by bands of Red Shirt, and that they and their families were assaulted and whipped, and is it not a fact that you have not introduced a single witness to contradict this evidence of outrage and wrong perpetrated and proved to have been committed in the center or near the center of your district?

(Question objected to by counsel for the contestee on the ground, first, that the records themselves are the best evidence of any statement or not made by witnesses in Richmond County.)

A. I have not carefully read the testimony of Richmond County, except as to one witness, a man by the name of Cole, and I am not prepared to deny or admit what you say has been testified to by witnesses there, but I do know that although 1898 was an off year when the vote always is less than in a Presidential year by from 10 to 25 per cent that Richmond County cast for member of Congress about 4,400

votes as against 4,600 two years before, and taking that fact into consideration, my attorneys there thought it was not necessary at all to introduce any testimony. It doesn't look like there was any suppression of the vote in Richmond County when 4,420 was cast in the last election.

Q. Do you not know the fact or have you not been informed that the vote cast in Richmond County on the 8th day of November, 1898, was not about 1,500 less than the registered vote of said county at that time?—A. No, I do not know that; but the books show, and I have a tabulated statement of it, that of the voters registered and qualified to vote on the day of election, that every man in Richmond County voted, except 580, and that included those who were living and absent, dead and sick at that time.

Q. Have you not been advised by your counsel and attorneys in Richmond County that the testimony obtained by the contestant could not be disproved, or substantially such like information given you by them, and is that not your real reason, and does that condition not account for the fact that you have not offered in all Richmond County a single witness to controvert the facts established for the case of the contestant in the county of Richmond?—A. I will answer that by saying that as a lawyer by profession I have that much respect for the counsel that I select to leave the examination of witnesses to them, and their cross-examination was so thorough in Richmond County, I learn, that they decided they would not take testimony; but the whole matter of the taking of testimony I intrust to my lawyer, Mr. Chas. M. Busbee, at Raleigh, who examines the testimony as it is taken, takes a view of the whole testimony, and acts or instructs accordingly.

Q. Are you aware of the fact as to whether or not your counsel has sought testimony in Richmond County to contradict that of the contestant; and if you have such information, have you further information of the fact as to whether or not their search for such testimony was successful or unsuccessful?—A. I do not know, nor have I any information that they sought to obtain such testimony, nor do I know nor have I any information as to whether they were successful in getting it.

Q. Did you not seek through your attorney, Mr. Cam Morrison, of Rockingham, Richmond County, N. C., the names of witnesses, or persons whom you could use as witnesses, to establish facts in support of your contention in this contested election case, and is it not a fact that you failed to receive satisfactory report from such your attorney?—A. No; that is not true; but to the contrary I sent an attorney to Richmond County, and after advising and conferring they decided not to take any testimony, and that I intrusted entirely to them and to their judgment.

Q. Have you received a copy of the registration books of Richmond County, or tabulated statement purporting or said to have been taken from them; and if so, from whom did you procure such copies or tabulated statement, and do such statements or tabulations, statement or tabulation, show that all but 580 of the registered voters of Richmond County cast their ballots in the election that occurred November 8, 1898.

(Question objected to by contestee on the ground that it is immaterial and entirely irrelevant.)

A. I have not received a copy of the registration book, but my attorney when he was in Rockingham brought me back a tabulated statement from the books, and they show that of those registered and qualified to vote on the day of election, that every man cast his vote except 580 in Richmond County, and I regret this evening that I haven't the statement here, but it is in the possession of Mr. Cam Morrison now.

Q. Mr. Bellamy, was not Col. Alfred M. Waddell after securing a majority of votes at the primaries provided by law for the city of Wilmington and at the election which occurred on the fourth Thursday in March, 1899, elected to the office of mayor of the city of Wilmington without opposition, and receiving at such election every vote cast for mayor of the city of Wilmington.

(Question objected to by counsel for contestee on the ground that it is immaterial whether Colonel Waddell received or did not receive a unanimous vote for mayor in the election of March, 1899, as it is matter subsequent to and entirely disconnected, and has no bearing whatever on the election determined November 8, 1898.)

A. Colonel Waddell was nominated for the office at the primaries held anterior to the election. He had opposition, there being three candidates, and he received a majority of the votes and was declared nominated; I can not say whether he received every vote cast by the board or not. Under our law the primary's nomination for mayor governs the Democratic aldermen elected, and the aldermen elected on the day of election selected and elected Colonel Waddell; he is now mayor and is filling the position very acceptably to our people.

Q. Mr. Bellamy, do you not know of your own knowledge that in consequence of the condition—political excitement—which threatened serious political or racial trouble in the city of Wilmington and New Hanover County, that there was an arrangement effected between controlling Democratic leaders and controlling Repub-

ican leaders, including the governor of North Carolina, at that time a citizen of the city of Wilmington, by which the Republican party was to have no county or legislative ticket for New Hanover County, and by which the Democratic party was to withdraw Mr. George Peschau, an objectionable candidate to the leading Republicans, and allow the Democrats thus to be unopposed in their county and legislative ticket, in so far as the Republican leaders could control; and do you not know the fact that the Republican party and the Democratic party so arranged it that the Republican party had no such ticket, and that in recognition of the arrangement Mr. George Peschau withdrew as a candidate, and another in his stead, Mr. Rountree, was substituted, and that such arrangement was objectionable to yourself upon the ground that in New Hanover County it left your opponent, Colonel Dockery, in the field with the possible support of the Republican leaders; and do you not know or have you not heard from a reliable source, or reliable sources satisfactory to yourself, that such arrangement by the Republicans was effected for the purpose of avoiding bloodshed or racial troubles, to say the least?—A. I answer that I do not know and have not heard that such an arrangement was made to prevent bloodshed and racial trouble, and do not believe that that was its purpose; what I have heard was this: It is well known in the politics of North Carolina that Mr. Russell always carried the Republican party of this county in his pocket; he has done with it for the last twenty years as he has saw fit; he would put up a ticket whenever he saw fit, and pull it down before the election and have no one voted for; some six or eight years ago, when my friend Stedman ran for sheriff, Col. John D. Taylor for clerk of the court, John Haar for register of deeds, Edgar Parmele and Giles Westbrook for the house, and George Morton for the senate, notwithstanding the efforts of Lockey and other Republican leaders to put a ticket in the field, Russell would not permit it, and had the Democratic ticket almost if not unanimously elected. Then, again, two years following that, by some combination or trade, or arrangement, he had Mr. Herbert McClammy, a Democrat, elected to the legislature with Mr. French, Republican, Colonel Taylor clerk of the court, and John Haar register of deeds—all Democrats—and would not permit the Republicans to put any ticket in opposition to them, and although Rice, Lockey, and other Republican leaders protested and kicked, yet in some unaccountable way he squelched them and had the Democrats elected; then, again, some few terms ago Lockey himself secured the nomination for Congress on the Republican ticket; Mr. Russell deliberately went to the polls and made every negro and every Republican whom he could influence, which was nearly the entire strength of the ticket, scratch Lockey's name off from the Congressional ticket, and in the election in 1898 there was great talk throughout North Carolina during the campaign of impeaching Mr. Russell—if the legislature became Democratic—for certain misdemeanors, and it was said Mr. Russell had grave apprehension about his safety in that respect; Mr. Peschau, the Democratic nominee, who was my friend, was very much in favor of the impeachment of Mr. Russell if he had been elected, and so declared himself, and Mr. Carr was very much under Mr. Peschau's influence and my own; it was said, and I was told by a reliable gentleman, with whom Russell conversed personally, that Mr. Russell, the governor, told him that when he first heard about this horrible state of the government in Wilmington he thought it was simply a political ruse, but when he was informed by Mr. Gilchrist, Mr. Armstrong, and others of Wilmington, that there was no politics in it, but that it was a great business movement, that he intended to listen to them and see that the merchants and business men of this town got control of the local government again, and that if they would take down from the Democratic ticket Geo. L. Peschau and Jos. T. Carr, who were hostile to him, and put up two men on the ticket who were acceptable to him that he would see that there was no Republican local ticket run in this town except for the senate; that not only was Mr. Peschau hostile to him personally, but that he was considerably under the influence of Mr. Bellamy (meaning myself), and that he wanted him taken from the ticket. Such an arrangement was made and it was carried out. Mr. Peschau was ingloriously sacrificed to appease Mr. Russell, and the election did take place and was conducted as quietly, as fairly, as free from intimidation and violence as I ever knew or ever heard of an election being conducted in this country. The vote was immense; the vote actually cast on that day for Mr. Dockery being 2,553, and for myself 2,817, making 5,370 votes cast in the county, which was within nearly 200 of the entire registered strength. Each party on the day of election worked assiduously and voted the last man that they could find on the books who could be reached, and this was done without the slightest friction, because the business men of the town and the white people generally determined that the election should be fair, free, without force or fraud, and it was so conducted, and it was only two or three days after the election that they attended to Mr. Manly.

Q. Then, Mr. Bellamy, our Governor Russell must be a very great man and wonderful political manager and manipulator, for according to your own statement and that of others he seems to have exerted wonderful control and influence not only in his own, the Fusion party, but in the Democratic party, your own party, as well.—A.

Unfortunately and sad to relate that is true, and more than one occasion, by dickering with Democrats in the county of New Hanover, he has come near smashing the Democratic party into splinters, as he also did the Republican party on more than one occasion. Why, in the last election Mr. Locke, a poor boy, reared in the town, risen by his own exertions to quite a good position at the bar, was nominated regularly by the Republican judicial convention of this district for judge of the superior court of this State, a very honorable ambition for a man like Mr. Locke, or any other man. Russell and Locke were not friends. Russell being particularly hostile to Locke, as I have before stated, in his Congressional aspirations, and without consulting Locke, so Locke informed me himself, completely through Russell's manipulations he was pulled off the Republican ticket for judge without even asking him his consent thereto, and Andrew Lottin, a former Democrat and Populist, was substituted in his, Locke's, place.

Q. Mr. Bellamy, do you remember to have seen and to have read and to have considered a certain letter written by Mr. Chadbourn to Senator Pritchard, in which he stated that the conditions existing in the city of Wilmington as being obnoxious to the business men of the city, in substance was mere political gush, untrue, and false in every particular—or in most particulars, at least; that the government of the city of Wilmington was honest and efficient; there was not negro domination, as declared by the newspapers and Democratic politicians, but that only a minority, and quite a small minority, of the officeholders of the city of Wilmington and county of New Hanover were negroes; and that the conditions here prevailing at that time were not unsatisfactory to the business men? And do you know and can you in any way account for the letter later addressed by Mr. Chadbourn to Senator Pritchard, which amounted to a retraction in part, at least, if not of the whole, of the former letter addressed by him to the Senator; and had you or anyone for you, or anyone under your direction, secured another to approach Mr. Chadbourn and make any demand upon him for the writing of such or like letter of retraxit; or do you know of any person or persons, with or without your procurement, who did visit Mr. Chadbourn, make any like demand, request, or order, or propose any terms or conditions by which he could be induced to make retraxit of statements contained in first letter, or threats to him, by which it was hoped, trusted, or believed that he would make such retraxit of the contents of such former letter?—A. This is quite a long question and it will be my pleasure to answer it in detail. I remember to have seen a letter written by Mr. Chadbourn, but I do not recall the fact that it contained the statements that you have said that it contained. My recollection of the substance was that he said that the statement of the condition of affairs as portrayed by the people here was exaggerated, and in that letter he stated the number of magistrates and other offices held by negroes substantially as I have stated to-day, but a good number of positions which he did not recall or, to say the least, overlooked. He did afterwards write a second letter, which I saw published, in which he stated substantially, after making further investigations, that he had found the statements made in the first letter not exactly correct and that the conditions were worse than he had portrayed them. Why he wrote the second communication, I have neither knowledge nor information. I do not know nor have I ever heard of his being approached by any individual in reference to it. I did not have nor did anyone for me or under my direction approach Mr. Chadbourn or make any demand upon him for the writing of such letter or a like letter. I do not know of any person or persons who visited Mr. Chadbourn and made any like demand, request, or order, or propose any terms or conditions by which he was induced to write such second letter, or threats by which it was hoped, trusted, or believed that he would make such retraxit of the contents of such former letter. I did not see either letter until they were published, was not in Wilmington when either one was published, and my recollection now is I hadn't been for a month. I was off on the campaign somewhere—I think probably in Union County—where I saw his first letter, and didn't see his second letter until about a week after it was published, because I tried to get it to use on the stump and was only able to get it about a week after it was published.

Q. Mr. Bellamy, do you know of your own knowledge, or are you satisfied from rumor—general report—that there was procured one, if not more, of rapid-fire guns by the Democrats of the city of Wilmington, with a considerable amount of ammunition suited to it or them, for use before, at, or about the election time, November 8, 1898, in apprehension of political or racial trouble in the city of Wilmington or county of New Hanover, and also possibly and probably for political purposes such guns were in possession of the Democrats or white people of the city of Wilmington?

(Question objected to by counsel for contestee, on the ground that it assumes the presence of a rapid-fire gun in the hands of the Democrats or white people for political purposes, and there is no evidence of the fact of the presence of such gun, if such there was, had any political significance whatever.)

A. I did not hear that the Democrats of the town had ordered such a gun. I did hear that the merchants of the town, separate and apart from the Democratic committees, as a matter of self-protection, to protect life and property, had contributed among themselves to get such a gun here, which was kept very quiet, and only to be

used for the protection of life or property. As I understand and heard and believe, it had no political signification whatever. On account of the outrages that I have tried to state in the testimony to-day, our people were very much worked up. They were apprehensive of an uprising of the negroes; they know how prone they were to have and carry weapons, and even at this late day they have not forgotten the terror and horror of the Nat Turner insurrection; and feeling and knowing that the city government could and would not give protection, that it was best to have such a weapon here in case of emergency. I have never heard of it being used or taken out, but I understand it was donated to the State Guard; and all this I state is a mere matter of hearsay, and state it as such because you ask it.

Q. Mr. Bellamy, were you present and did you participate in and were you a speaker at a mass meeting held at the city hall in the city of Wilmington, N. C., on the 9th day of November, 1898?

(Question objected to by counsel for contestee on the ground that it is immaterial, irrelevant, and incompetent, in that it involves matters occurring subsequent to the election occurring on the 8th day of November, 1898.)

A. I was there, simply being a spectator on the outskirts of the crowd, and, of course, being the successful candidate for Congress, not knowing even what the meeting was called for, I was called for very vociferously and pulled in the door and carried up and made to make some few remarks, and these remarks were very brief. I told the meeting I did not know for what purpose it was assembled, but I had understood it was for the purpose of making some resolutions for the expulsion of Manly from the city of Wilmington. I told them that I approved of the desire to rid the community of such a venomous reptile, which is substantially the language I used; but I advised whatever they did do, that they act with moderation and proceed lawfully and in order, and I should advise them against the use of any force whatever. I then thanked them for the courtesy of the call, and retired.

Q. Who presided over that meeting?

(Question objected to by counsel for contestee for the reasons assigned in the question above.)

A. Col. Alfred M. Waddell presided—at least he was in the chair when I went in and when I retired.

Q. Did he and others, or did he alone, bear any arms visible to you on that occasion?

(Objected to.)

A. I did not see him or any other man in that vast assemblage have a single weapon; and by the way it was the most respectable representative assemblage of business men, merchants, lawyers, doctors, divines, and mechanics that I ever saw assembled; and the short while I was there everything that was said was said and done in a conservative manner, and especially do I recall some remarks made by Mr. P. B. Manning just before I left.

Q. Did anyone while you were present, of that vast assemblage, protest against the expressed and declared purpose and object of driving Manly, or any other person or persons, out of the city of Wilmington? Did no one declare—was there no supporter, in that vast assemblage of highly respectable men, of law and order to declare himself and advise against the suggested plans and purposes of lawlessness by which, without due process of law, a citizen should be deprived of his rights of property and of person?

(Objected to for the reasons assigned in the objections to the question above.)

A. As I have told you already, in the speech I myself made I advised against force and asked them to proceed peaceably and lawfully. As I understand, the meeting was not for and did not take into consideration the expulsion of any other man or men from the city of Wilmington. It was simply called for the purpose of dealing with Manly and the Manly letter, and the meeting itself, as I understood it from other citizens that I have conversed with, decided to wait on Manly and tell him he must not remain in the city after publishing such a vile slander against our people, and that if he did, to use all legal means necessary to eject him. It did not contemplate violence, but was simply the determination of the intelligence of the town to rid themselves of a very objectionable citizen.

Q. Is it not a fact, of your own knowledge or by rumor reliably received by you, of which you are satisfied of the truth thereof, that exhortation was forced upon other citizens in the city of Wilmington than Manly, namely, ex-Mayor Wright, Chief of Police Melton, Deputy Sheriff and Acting High Sheriff G. Z. French, and others, by this same committee or committees, or persons representing the sentiment dominating the committee of twenty-five, and prevailing largely if not throughout the whole mass meeting which you addressed on the occasion named?

(Objection by counsel for contestee on the grounds assigned in the objection to similar questions above, and counsel for contestee does herewith renew his protest against the unnecessary prolongation of this cross-examination by the asking of questions irrelevant and having no bearing whatever on the fairness or unfairness of the election determined on November 8, 1898.)

A. I do not know, nor did I see any person sent out of the city. I have heard that the men named were, but do not know it of my knowledge; but, as I understand, the parties participating in that were not any committee appointed by the Manly meeting spoken of, or having any connection with said meeting; it was some self-assumed authority by some young men, whoever they were. There was one or more of those who were sent out, or it was rumored were sent out, that a good number of us were opposed to their going, and as soon as I learned that such a thing was going on I went in person to a crowd standing at the corner of Front and Princess streets and remonstrated with them and told them that they must stop that; that they were carrying things too far, and my impression is that they stopped it after that. Those that I remonstrated with were simply a crowd at the corner that I spoke to and went among and begged them to use their influence to stop it; I can not say they were the ones engaged in it, because I do not know who were the ones that were engaged in it.

Q. Is it not a fact that the late campaign preceding the election so often referred to, that occurred November 8, 1898, was the most vigorous, exciting, and bitter one which you have ever known, and probably the most exciting and bitter one ever known in the history of the State, and is it not a fact that so high was racial feeling and political feeling engendered by the effort made upon the part of the Democratic managers, candidates, and canvassers that even the conservative ones of the classes named were made anxious and uneasy for fear that under the intense excitement and hot political feeling engendered and existing that it would be hard to restrain the young and inexperienced and the excitable older members of the Democratic party, and did not you yourself, as a good and patriotic citizen, have fears of an exhibition of violence and force as great, if not greater, than that which did occur in this city and elsewhere as a culmination of that intense excitement and high-wrought political prejudice and feeling?

(Question objected to by counsel for contestee on the ground that it assumes that the culmination of affairs ending in bloodshed, as alleged, in this county was due or in any way produced by political feeling or politics.)

A. That again is a very obscure and long question, but I will answer it. I do not regard the campaign as any more energetic, active, and vigorous than several campaigns participated in by me within the last twenty-three years. When Governor Vance was first elected governor of North Carolina our campaign was equally as active and energetic as this, and probably one or two others. In the county of Richmond there was more than usual vigor, but in the other counties in this district not more so than any ordinary election, with possibly the exception in New Hanover County, arising out of this demoralized state of our city government. In the counties of Pender and Brunswick you would scarcely know that there was a campaign going on, and likewise in Mecklenburg outside of the city of Charlotte, the largest county in the district and probably in the State, and likewise was the case in the larger part of Robeson, Columbus, Anson, and Union. In Richmond there was a very spirited campaign, but that was due to the fact that a good number of the Republican leaders in that county broke away from the Republican organization, notably Mr. Morrison, who had been for a long number of years chairman of the Republican executive committee of that county. Mr. Watt Long, another influential and prominent politician, took the stump against the Republican party and championed in the last election the Democratic cause; but no trouble or friction was apprehended anywhere except here in Wilmington, as I know of, and as I stated before, this was not a political but a business movement.

Q. Mr. Bellamy, was not the speech made by you and heretofore alluded to in this examination of yourself to-day, made by you in Union County, the speech in which you referred to Winchester rifles, in the city of Wilmington, in a peaceable community more than 150 miles away from the city of Wilmington, N. C.?—A. Yes, I spoke in Union County, which is about that distance.

Q. Was not Senator Tillman invited to speak in your district with your knowledge and consent and approbation, and did you not know before his coming of the nature and character of speeches which he generally made?—A. He was not invited to speak in this district or in this State with my knowledge or consent, nor was I ever asked in reference thereto by any man; and I had nothing to do with his coming. I do know that Senator Tillman is a very vigorous talker, and a man of very fine ability and can make a strong speech, but as to his being invited here, or knowing that he was coming here, or wanted here, I never heard of it. I really had to conduct my campaign in this district myself. I never heard Tillman speak during the entire campaign, and didn't see him during the campaign.

Q. During your campaign, did you learn of any occasion when he was to speak in your district? And if so, did you give notice in any speech you made of his appointment or appointments to speak, or did you assist in circulating notices of such appointments of Senator Tillman, or did you advise or direct the circulation of such notices of his appointments, or did you object, knowing of his appointments, to his filling them, or did you object to the presence in your district of South Caro-

lina Red Shirts who largely attended, or was said to have largely attended, Senator Tillman in his political missionary work and pilgrimages to your district?—A. That is a very foolish question to ask me if I objected to Tillman coming into this district or people from South Carolina wearing red shirts coming here to hear them, because I would have no right to make such an objection. I gave no notice of any of his appointments, I circulated no notices in reference thereto, I had nothing to do with his coming or going; I contributed no money to help pay his expenses of coming or going; in fact, I had nothing to do with him or the matter at all. I think I have heard that he made one or two speeches in the district, but when he did I was probably 100 miles away at the time.

Q. Were you in the city and present, and if so, did you participate in the political demonstration that occurred here about the last of October, when there was a barbecue at Hilton Park, in which a number of Red Shirts, in procession with others, paraded, and did you make any speech on that occasion or not, and were there any firearms displayed by any member or members of the procession, and were there or not discharges of firearms on the occasion named, if you have knowledge of such occasion?—A. My best recollection is that I was in Wilmington on that day—I happened to be here—but did not attend the speaking and did not speak; I saw no firearms on the street that day, nor did I see any what you call Red Shirts, and I heard no firearms discharged. And I heard some one remarking in reference to the procession that day that it was the smallest affair they had ever seen, a few young men on horseback passing around going out to the speaking, though that I did not see.

Redirect examination:

Q. You stated in your cross-examination in answer to a question that you had failed or refused to take counter-depositions in Richmond County. Is it or is it not a fact that you have also refused or failed to take depositions in Mecklenburg County? And if so, will you please state your reasons for doing so?

(Objected to by counsel for contestant.)

A. That is true, and the reason being that in Mecklenburg the contestant examined three witnesses, neither one of the three knowing anything about intimidation, violence, or fraud in the whole county.

Q. Is it or is it not a fact that you also refused to take counter-depositions in the county of Anson?—A. Yes; and for the same reason, that the witnesses swore to a peaceable and quiet election in the county.

Q. Do you know, and if so please state whether or not John T. Howe was associated with Manly, the editor of the slanderous article referred to by you in your cross-examination in the management of his paper, the Daily Record, at the time this slanderous editorial against the white women of the South was published?—A. Yes; both Manly and Howe were connected with it.

Q. Do you know whether or not John T. Howe has ever held a position of honor politically; and if so, at the instance of what party was he elevated to such position of honor?—A. Yes; John T. Howe is a negro, black, that is contradistinguished from a mulatto, or colored man, and he was a member of the legislature of 1897, elected by the Republican party of New Hanover County.

Q. Do you know whether or not the slanderous editorial of Manly referred to by you in your cross-examination received the indorsement of the colored ministerial union of the city of Wilmington, a union composed of the most influential and leading colored divines of this city?—A. I saw or heard that they indorsed Manly's course. I can not say whether it was composed of the leading divines of the town. I don't know who composed it, and I saw also similar resolutions published by the ministerial union in Lake Waccamaw and by a like union in Fayetteville.

(The contestant before this last answer was given objected, and it was agreed that the objection could be stated after the answer was given, wherefore the contestant states his grounds of objection that this question is irregular, therefore improper and irregular because it sought to ascertain the sentiment of the colored ministry of the city of Wilmington in regard to the Manly letter, which was new matter, not brought out by the cross-examination, therefore incompetent, and to which the contestant most earnestly objects.)

In reply to the objection of the counsel for the contestant the counsel for the contestant insists that the question and answer thereto were in rebuttal solely to the questions and answers brought out in cross-examination, and was relevant further to show in answer to questions asked on cross-examination tending to show that Manly was opposed by Russell and therefore had no influence, tending to show that the fact the indorsements of the ministerial union were relevant and pertinent.)

JOHN D. BELLAMY.

Subscribed and sworn to before us this April 10, 1899.

[SEAL.]

[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

E. C. WARREN, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. Name, E. C. Warren; age, 28; residence, Wilmington, N. C.

Q. What is your occupation?—A. Candy maker for E. Warren & Son.

Q. For how many years have you been a resident of the city of Wilmington?—A. Ever since I was 5 years old have lived in the city of Wilmington.

Q. Where were you on the day of election November 8, 1898?—A. I was at the old court-house, second division of the Second Ward.

Q. What position, if any, did you hold on that day?—A. Registrar, Second Ward, second division.

Q. Did your duties require your presence and were you present discharging your duties all that day?—A. I did.

Q. How was the election in your precinct on that day conducted?—A. Just as fair and quiet as any I every saw.

Q. Did you observe any attempt made by fraud or intimidation, or was there to your knowledge any such attempt made during that day to prevent any qualified voter from expressing his political preference?—A. There was not so far as I know.

Cross-examination:

Q. You were a partisan supporter of Mr. John D. Bellamy during the campaign of 1898, were you not?—A. I supported Mr. Bellamy as far as my vote went.

Q. You are a witness for and a partisan supporter of John D. Bellamy in this contest, are you not?—A. I suppose so.

Q. Will you swear that there was not a single voter in the county of New Hanover prevented from voting in the election of November, 1898?—A. I will not.

Q. Were you present and did you participate in the riot in the city of Wilmington? (Question objected to by counsel for contestee on the ground (1) that it is too general and not specific in that it fixes no date; and, further, the question is objected to on the ground that it seems to assume, by reason of the fact that it is asked, that a riot occurred in this city, and there is no evidence of the fact of any such riot or of any resort to violence of any description occurring prior to or in any way affecting the election determined November 8, 1898; and the contestee insists that the question be excluded on the ground that it is irrelevant, immaterial, and thoroughly incompetent.)

A. I did not.

Q. Were you and other Democrats in your precinct armed on election day?—A. I myself was not; for the others, I can't say.

Q. Did you buy or did you own or did you have a Winchester rifle during the campaign of 1898?—A. I did not.

Q. Did a riot occur in the city of Wilmington on or about the 10th day of November, 1898, in which a number of colored men were killed or murdered?

(Question objected to on the ground that an answer thereto involves a matter occurring subsequent to the election determined on November 8, 1898; and, further, for the reason that if such facts did exist they have been shown to have no bearing whatever, politically, and are therefore irrelevant, immaterial, and incompetent.)

A. I couldn't swear to that; to my own knowledge, I don't know.

Q. Do you swear that you don't know that a riot occurred in the city of Wilmington on or about the 10th day of November, 1898, in which a number of colored men were killed or murdered?—A. To my own knowledge, I swear that I do not.

Q. Where were you on the 10th day of November, 1898?—A. I was on Market, between Front and Second.

Q. Did you see any Democrat or Democrats walking the streets of the city of Wilmington during the campaign of 1898 armed with Winchester rifles in the daytime or nighttime, or did you hear of any?—A. I saw Winchesters toted by men, but as to their politics, I couldn't swear.

Q. Were the men that you saw carrying these Winchester rifles white men or colored men?—A. White and colored.

Q. Were you in the city of Wilmington on the day of the Red Shirt parade, the latter part of October, 1898?

(Question objected to by counsel for contestee on the ground that it assumes a Red Shirt parade, whereas the only evidence adduced so far is to the effect that in a parade occurring in this city there appeared, to the best knowledge of the witness testifying, but a few men wearing red shirts. Counsel for contestee objects to the question on the ground that it is thoroughly incompetent.)

A. I was, and at home.

Q. Do not you know, and is it not a fact so notorious as to be known by all men in this section of the country, that a riot did occur in the city of Wilmington on or about the 10th day of November, 1898, in which the revolutionary mayor, the Hon. A. M. Waddell, participated, and which resulted in the death or murder of a number of colored people, and the driving from the city of Wilmington of a number of Republicans, white and black?

(Question objected to by counsel for contestee on the ground that it assumes a certain set of facts which, so far as the evidence shows, originated solely in the imagination of counsel for contestant, and further on the ground that it involves facts which, if they did exist, occurred subsequent to the election, had no political bearing whatever, and are entirely irrelevant, incompetent, and immaterial.)

A. I have heard, but to my own knowledge I do not know of any riot occurring in Wilmington; and as to sending the white Republicans out of the city, I don't know anything about it, as I was out of the city myself.

Q. Did you attend the mass meeting of the citizens of the city of Wilmington on or about the 10th day of November, 1898, that appointed the noted committee of twenty-five, whose actions precipitated the riot on or about the 10th day of November, 1898?

(Question objected to by counsel for contestee on the ground, further, that it involves matters occurring subsequent to and entirely unconnected with the election determined November 8, 1898; and further, that it assumes that the action of a mass meeting, if such there was, precipitated an alleged riot in the city of Wilmington on or about November 10, 1898, and counsel insist that the question and any answer thereto be excluded on the ground that it is immaterial, argumentative, irrelevant, and incompetent.)

A. I happened at Third and Princess on the day of the supposed mass meeting that adjourned, or so-called adjourned, and what happened I can't say of my own knowledge.

Q. How long did you happen to stay there, and what action was taken while you were there?

(Question objected to on the ground that it is thoroughly irrelevant and immaterial, and for the reasons assigned to all questions involving matter subsequent to the election held November 8, 1898.)

A. None that I know of.

Q. About how many others happened to be there on that occasion?

(Question objected to by counsel for contestee on the ground that it is frivolous and immaterial; and, second, for the reasons assigned in the questions above, and counsel for contestee do herewith protest against the prolongation of witnesses' examination by the asking of questions irrelevant, immaterial, and frivolous.)

A. I didn't happen to be at the court-house; I was at Mr. Woolvin's place of business, and about 150 yards of the court-house.

Q. Did you hear the speech made by the Hon. Alfred M. Waddell, the revolutionary mayor of the city of Wilmington, on or about the 24th day of October, 1898, in which he declared that the Democrats of the county of New Hanover intended to carry this election if they had to block the mouth of Cape Fear River with the dead bodies of negroes, or words to that effect?

(Question objected to by counsel for contestee on the ground that it assumes the use of such terms in his speech by Colonel Waddell, whereas there is no evidence of the fact that Colonel Waddell did make such speech, but, to the contrary, the evidence shows that he did not make such a speech, using such terms.)

A. To answer that question, I will say I did not hear it, nor did I read it in the newspapers.

Q. Did you contribute money for the purchase of a rapid-fire gun or for ammunition to be used by the same, or did you hear or know that such a gun was purchased by the people of the city of Wilmington, during the campaign of 1898, or some of the citizens of Wilmington?

(Question objected to on the ground that it is irrelevant, immaterial, and incompetent.)

A. To answer that, I will say that I did not contribute one cent for guns or ammunition in Wilmington, and as to knowing of this gun being ordered, or guns, I couldn't swear. I have never seen the gun, nor have I ever had my hand to the use of such guns.

Redirect examination:

Q. Was there any attempt made by the so-called Red Shirts, referred to by counsel for contestant, said to exist in this county, to intimidate, by fraud or violence, any Populist or Republican, or any other citizen, as far as you know, from expressing his preferences politically in the election held in this city or county occurring on November 8, 1898?—A. None that I know of, nor have I heard of any.

E. C. WARREN.

Subscribed and sworn to before us each this 11th day of April, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

MATT BREMER, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. My name is Matt Bremer; age, 37; residence, Wilmington, N. C.

Q. For how many years have you been a resident of the city of Wilmington?—A. Nearly all my life.

Q. Where were you on the day of election occurring November 8, 1898?—A. I was at the corner of Front and Castle streets.

Q. What official position, if any, did you hold during the election held November 8, 1898; and if so, were you present at any of the polling places in this city for a major part, if not all, of that day?—A. I was one of the judges of election, and was at the polls all day—at the first precinct in the Fifth Ward.

Q. How was the election in your precinct conducted on that day?—A. Fairly and squarely, sir; never witnessed a more quiet election in my life.

Q. Was there any attempt made by fraud or intimidation to prevent any voter from casting his vote on that day, or were there any threats of violence offered to any voter on that day at your precinct?—A. None whatever, that I know of.

Cross-examination:

Q. What is your politics?—A. I have been a Democrat all my life.

Q. You were a partisan supporter of John D. Bellamy during the campaign and election of 1898, were you not?—A. I can say that I voted for him.

Q. You are a witness for and a partisan supporter of John D. Bellamy in this contest, are you not?—A. I was summoned here by someone, in whose favor I don't know.

Q. Do you swear, and will you swear, that not a single Republican or Populist voter in the city of Wilmington, in the county of New Hanover, was prevented from registering and voting in the election of 1898 by reason of intimidation and threats practiced by the Democrats?—A. None were prevented from registering or voting at the precinct where I was at.

Q. Were you present and did you participate in the riot occurring in the city of Wilmington on or about the 10th day of November, 1898, in which a number of negroes were killed or murdered?

(Question objected to on the ground that an answer thereto involves matters occurring subsequent to the election determined on November 8, 1898, and further, for the reason that if such facts did exist, they have no bearing whatever, politically, and are therefore irrelevant, incompetent, and immaterial.)

A. I never was present at a riot in my life, nor did I ever participate in one.

Q. Did you own or have in your possession a Winchester rifle or a gun of any kind during the campaign of 1898?—A. I did not, and haven't owned one in five years.

Q. Did you see or hear of any other white men in the city of Wilmington carrying Winchester rifles, or guns of any kind, on the streets during the campaign of 1898?

(Question objected to by counsel for contestee in so far as it asks the witness to state mere hearsay testimony.)

A. I can't say that I did.

Q. Were you in the city of Wilmington on the day of the Democratic red-shirt parade during the campaign of 1898?

(Question objected to by counsel for contestee on the ground that it assumes a red-shirt Democratic parade, whereas the only evidence adduced here is to the effect that in a large parade there were present not more than 25 to 30, if that many, men wearing red shirts, and that there is no evidence whatever that the Democratic party in this county had a red-shirt brigade, but on the other hand the contrary has been shown.)

A. I have never witnessed a red-shirt Democratic parade in my life.

Q. Don't you know, and is it not a fact so notorious as to be known by all men in this community and denied by none, that a riot did occur in the city of Wilmington on or about the 10th day of November, 1898, in which the revolutionary mayor of the city of Wilmington took part, and which resulted in the death or murder of a number of colored people?

(Question objected to by counsel for contestee on the ground, first, that it involves matters which, if they did exist, occurred subsequent to the election determined on November 8, 1898, and further, for the reason that if such a state of facts did exist they had no political significance whatever, and are entirely irrelevant, immaterial, and incompetent.)

A. If such a thing did take place, I was not a witness and could not say who took part in it.

Q. Did you hear the speech made by the Hon. Alfred M. Waddell, the revolutionary mayor of the city of Wilmington, on or about the 24th day of October, 1898, in which he stated that the Democrats of New Hanover County intended to carry this election if they had to block the mouth of the Cape Fear River with the dead bodies of negroes, or words to that effect?

(Counsel for contestee objected to this question in so far as it assumes that Col. A. M. Waddell made a speech in which he stated that the Democrats would carry this election if it required the damming of the Cape Fear River with the carcasses of dead negroes, whereas the evidence adduced here shows no such expression was used by Colonel Waddell in his speech referred to.)

A. If Colonel Waddell made any such speech, I did not hear it.

Q. Did you attend the mass meeting of the citizens of the city of Wilmington, held on or about the 9th day of November, 1898, which was presided over by Col. Alfred M. Waddell, and which appointed the noted committee of 25?

(Question objected to for the reasons assigned in the same question propounded to other witnesses in this cause.)

A. I did not.

Q. Don't you know that a riot did occur in the city of Wilmington on or about the 10th day of November, 1898, which resulted in the death or murder of a number of colored people, and in the driving from the city of Wilmington of a number of Republicans, white and black; and don't you know that the condition was such as to cause the military of the State to be ordered out, and that the soldiers done police duty in the city of Wilmington for a number of days thereafter?

(Question objected to by counsel for contestee on the ground that it is immaterial and incompetent, in that it involves matters occurring, if they did occur, subsequent to an election determined on November 8, 1898, prior thereto, and further, for the reason that it has been repeatedly shown that any disturbances occurring in the city of Wilmington on or about November 10, 1898, had no political significance whatever, and were connected in no way with politics.)

A. I did read a good deal in the papers about it, and I know that the soldiers did police duty for a number of days after the election.

Q. Did you see the Gatling or rapid-fire gun purchased by the Democrats of the city of Wilmington during the campaign of 1898?

(Question objected to by counsel for contestee on the ground that it assumes the purchase and possession of a rapid-fire gun by Democrats, whereas the evidence in this case shows the presence of such a gun was for no political purpose whatever, but for the protection solely of life and property.)

A. If such was purchased, I have never seen it.

Q. Were you armed with a pistol or other weapon on election day?—A. I was not; did not think it was necessary to have one.

Q. Don't you know, and are you not satisfied from what you heard, that a Gatling or rapid-fire gun was purchased by the Democrats or white people of the city of Wilmington during the campaign of 1898?—A. I don't know it.

Q. Don't you know, and are you not satisfied from what you have heard stated by reliable Democrats of the city of Wilmington, that a large number of Winchester rifles was bought by the white people of the city of Wilmington during the campaign of 1898?

(Objected to by counsel for contestee in so far as it asks the witness to state mere hearsay testimony, and further, on the ground that it assumes the presence of a number of Winchester rifles in the hands of parties for political purposes.)

A. I don't know it, sir.

Q. By whom were you appointed judge of election, and before whom did you qualify as such judge of election?—A. I was appointed by the Democrats; I do not remember before whom I qualified.

Q. Name the Democrats who appointed you as judge of election.—A. I don't know that I can do so. I received a notice to that effect.

Q. What official position did the Democrats hold that appointed you as judge of election?—A. As I have already said, I did not know who did it; I can't tell you what official positions they held.

Q. Were you furnished with a copy of the election law in effect during the campaign of the election of 1898?—A. I was not.

Q. Were you familiar with the terms of such election law?—A. Can't say that I was very familiar with them.

Q. Whom did the election law vest with authority to appoint the judges and registrars of election?—A. I do not know.

Q. Have you ever seen, read, and studied the election law under which you acted in the election which occurred November 8, 1898?—A. I may have seen a copy of it; I am not certain of it.

Q. Didn't you just say that you were very familiar with the election law?—A. I did not.

Q. If you don't know anything about the election law under which you were acting, how can you swear that the election was honestly, fairly, and legally held?—A. I did swear that it was honestly, fairly, and legally held in the precinct which I was at—the first precinct in the Fifth Ward. There was no dissatisfaction whatever and everybody expressed themselves pleased and satisfied.

Q. If you are not familiar with the election law, how can you swear that the election was legally held?—A. I can swear to that part of it, that it was fairly and squarely held at the precinct where I was at; you may call that legal if you wish or leave it off.

Q. What ticket did you vote for State officers in 1896, if any?—A. Every ticket that I ever voted in my life was for a Democrat.

Q. What was the name of the candidate you voted for for governor in 1896?—A. I don't know as I voted for governor at all.

Q. What was the name of the candidate you voted for for lieutenant-governor in 1896?

(Question objected to by counsel for contestee on the ground that it is frivolous, immaterial, and irrelevant.)

A. Will answer that the same as I did the other; don't know if I voted for any at all or not.

Q. Who is the present lieutenant-governor of North Carolina?—A. I don't know that I even remember that.

Q. Who is the Vice-President of the United States?—A. Hobart, I suppose.

Redirect examination:

Q. Do you not know you were appointed judge of election by the authorities as provided by law, and did you not qualify as such judge of election in the same manner as all other judges of election and registrars qualified in the last election?

(Question objected to for the reason that the witness has already stated that he didn't know by whom he was appointed nor before whom he qualified.)

A. I was appointed the same as the others, and qualified.

Q. Do you know of any attempt made by the Democrats in this county or of any person or persons working for the Democratic cause, or by any party with or without a red shirt having attempted by fraud to terrorize or intimidate any Populist or Republican either previous to or on the day of the election occurring November 8, 1898, from expressing his political preference as he saw fit?

(Question objected to as leading and new matter.)

A. I know of no such attempt being made.

Q. Who constituted the judges of election and poll holders in your precinct on the day of election; how many Democrats, how many Republicans, and how many Populists?—A. Two Democrats, two Populists, and two Republicans.

MATT BRUNER.

Sworn and subscribed to before us this Tuesday, the 11th day of April, 1899.

[SEAL.]

[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

Col. JOHN W. ATKINSON, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence, and occupation?—A. John W. Atkinson; 68; Wilmington, N. C.; am a rice planter, but am not actively engaged in business.

Q. Were you present at the opera house in October, 1898, on the occasion at which Colonel Waddell spoke and where it is asserted by inference by the counsel for the contestant that Colonel Waddell stated that the Democrats were going to carry the election if it were necessary to choke Cape Fear River full of the carcasses of negroes?—A. I was present when Colonel Waddell made a speech to which allusion is made; whether that was in October, 1898, or early in November, 1898, I do not recall. In that speech—I was sitting upon the stand with the speaker, quite close to him.

Q. Did Colonel Waddell make use of any such language or sentiment as intimated by counsel for the contestant; and if not, what did he say?—A. Colonel Waddell did not say what you have just repeated. He had been commenting with a great deal of feeling upon the miserable condition of affairs in Wilmington, and said that they were perfectly unbearable, and that rather than continue to suffer under similar conditions he would be in favor of blocking the mouth of the Cape Fear River with carcasses, whether human carcasses or carcasses of beasts he did not say; he made no allusion to any particular race, and as a matter of fact I inferred from what he said that he did not allude exclusively to negroes, but to all parties which brought about, in his judgment, the condition of affairs that then obtained.

Q. What was the horrible condition to which he alluded—briefly?—A. He spoke of the nightly burglaries that were being committed in the city and for which no arrests were being made. The insults that were being continually offered to respectable women on the streets of Wilmington, and he adduced one or two instances, which he narrated, where respectable ladies had been insulted and for which there had been no remedy applied, and it was in that connection that he expressed the

preference to damming the mouth of Cape Fear River with carcasses rather than that condition of affairs should be permitted to continue. Of course, I do not undertake to give the precise phraseology used by Colonel Waddell, but I feel quite sure that I accurately report the substance of what he said, and also what he did not say.

Cross-examination:

Q. Colonel Atkinson, did you not understand Colonel Waddell to say, unequivocally and substantially at least, that the white people, organized as the Democratic party, seeking control of the city government of Wilmington, N. C., and of New Hanover County, that if necessary to secure that object they would resort to violence if it required to that extent of taking human life, human lives, of those persons opposing him, his conferees, their plans, and purposes?—A. I understood Colonel Waddell to say that the existing condition of affairs in Wilmington should not, in his judgment, be longer borne, and rather than they should be permitted to continue he favored filling the mouth of Cape Fear River with carcasses; I suppose, as a matter of fact, he meant human carcasses, but he did not say so; I took that to be a somewhat extravagant way of expressing on his part his sense of the then condition of affairs obtaining.

Q. Is it not a fact that on the day after the election, in a mass meeting held in the court-house in the city of Wilmington, presided over by Alfred M. Waddell, the present mayor of the city of Wilmington, and the same man who made the speech to which you have referred, that resolutions were adopted, plans made, purposes declared to effect the driving away of one Manly, colored editor of the newspaper known as the Record, and that in consequence of such inaugurative plan and declared purpose the committee at that meeting appointed with the same Alfred M. Waddell, its chairman, did not, on the 10th day of November, being the day after the holding of such mass meeting, go in body, armed, to the office of said newspaper, the Record, and was not the press of the Record destroyed with the house in which the same was located, and destroyed at the time of such visit of said committee of 25, and whilst they were present, and following that was there not a riot or riots in the city of Wilmington in which and during the rage of which quite a number of human lives were lost and the city in a condition and state of lawless and red-handed anarchy to the extent that a military force comprised of part of the State Guard of North Carolina were called into requisition and used to prevent further possible bloodshed and other lawlessness; and is it not a fact that a revolution was effected in the government of the city of Wilmington, N. C., during such turmoil and excitement, by which Dr. Wright, the mayor, and his board of aldermen, in power on the election day and for more than twelve months previously thereto, the de facto as well as the de jure officers of the city government of the city of Wilmington, were made to resign, caused to resign, induced to resign, or at least and last did resign, and by which revolution of such said city government Alfred Moore Waddell, the same man who made the incendiary speech to which you have alluded, who presided over the same mass meeting referred to in this question, who was chairman of and led the committee of twenty-five to the Manly printing office, was made the mayor of the city of Wilmington, and who afterwards—to wit, in March, 1899—received a majority, and quite a large majority, of the voters of the city of Wilmington Democrats for the nomination to the office of mayor, and who, in accordance with such selection made by the primaries, was elected by the board of aldermen to the office of mayor of the city of Wilmington, and who is now, to-day, mayor of your city? Do you not know of your own knowledge these facts to be true; and if not of your own knowledge, have you no such information, the reliability of which in your mind is unquestioned, as to satisfy you and cause you in opinion to have concluded these questions and matters involved by the question which I now direct to you?

(Counsel for contestee objects to this unabridged edition of questions and stump speeches by counsel for contestant on the ground that it is highly congested and wholly improper; that it mingles in a confused mass presumptions of fact and suppositions not testified to, not warranted, and which would not be permitted in any court of justice; further, that the question is immaterial and incompetent in that any answer thereto would involve matters occurring subsequent to the election determined on November 8, 1898; and further, that it has been shown that the so-called revolution and alleged destruction of the Manly office were in no way connected with politics, but were the result, if they did exist, of matters totally disconnected with politics, but due to the outraged feeling of an outraged community.)

The counsel for contestant protest against the frequent, protracted, and unreasonable objection of counsel for contestee of questions asked by contestant's counsel, for the reason that they can state the objection to such questions, if in their opinion such objections were needed, by referring to objections made to questions and stated above or in foregoing depositions; and protest further upon the ground that it is an unnecessary, tiresome, and unreasonable waste and consumption of valuable time, and compels counsel for contestant to ask questions of very unusual, if not unreasonable, length.)

A. In reply to the first installment of the question would say that Alfred M. Waddell is the present mayor of the city of Wilmington and is the same man who made the speech to which reference has been directed. The next installment of that question was as to resolutions made, etc., at that meeting. Now, at that meeting I was present, and resolutions were offered by some gentlemen expressing the purpose to expel Manly from the city of Wilmington because of a scurrilous article against the characters of the young women of the poorer class in this vicinity—that is my recollection—and the resolution went further, saying that his printing apparatus of all kind should be shipped from Wilmington and not destroyed. Those resolutions were put by the chairman, Colonel Waddell, to the meeting and were unanimously adopted. A committee was appointed of 24, if my memory serves me right, to go and notify Manly that his longer residence in Wilmington would not be tolerated, and Colonel Waddell then was, upon motion, added to the committee as its chairman, making it a committee of 25. That committee, as I was reliably informed and believed, sought the conference with a number of the most respectable and representative negro men in this town, to whom they made the proposition that these colored men that I refer to should induce Manly to go away quietly and peaceably. Those colored men said they would consider the proposition and would notify the committee of 25 as to their conclusion by 9 or 10 o'clock the next morning, the morning of the 10th. The committee of 25, however, not having received a reply to the proposition that they made by the hour appointed the next morning for making reply, did proceed then to the house occupied by Manly's printing press, and some of them went in the house and threw the presses out of doors on the street. The house was also set on fire, not, as I am informed, by the wish or action at all of this committee of 25, but I was told it was either accidentally set on fire, but was done by some irresponsible and enthusiastic young men there, and I will remark before passing from that subject that that house was paid for in full by the subscription of certain citizens in Wilmington, I myself being one of them. Now, sir, upon the question of riot or riots in the city of Wilmington, which it is asked if such did not follow as a consequence the destruction of this newspaper press and building, I have no hesitation in saying that such is not my judgment. In the first place, I do not regard that there was, properly speaking, any riot at all; there was a fracas in an exactly opposite part of the town from this Manly building, in what is known as Brooklyn, between a body of negro men and a body of white men, which was caused immediately by the firing upon a young white man named Mayo, at which he was wounded badly, he being upon the piazza of his own residence or that of some friend; that was the first firing, as I understood. That was after the destruction of the Manly printing press, but in an entirely different part of the town, and had, in my opinion, no connection with it. That as a consequence of that firing by the negroes they were themselves fired upon by white men in that neighborhood, and a number of lives were lost; that is to say, at that time there were four negroes killed and two white men wounded. The condition of affairs was undoubtedly lawless at the time in the city, but I really think, without being controlled at all by prejudice, that the lawlessness was the result of the action of these negroes who fired at the body of white men and thus inaugurated the trouble. The military force, comprised, in part, of the State Guard of North Carolina, was called into requisition and was used to prevent further possible bloodshed. I do not know that the change in the city government could, properly speaking, be called a revolution, but it was a change of government undoubtedly, not during the turmoil or excitement, but subsequent thereto. Dr. Wright and his board of aldermen, who were the incumbents on election day, felt themselves incompetent to maintain order, and were so informed that they didn't possess the confidence of the community, and hence, one by one, they resigned their respective positions, and as fast as one of them resigned some one else was elected to fill the place of the person resigning. Of course, it is evident that that person so elected was elected by Republican votes, because when Dr. Wright resigned there were left upon the board eight or nine members of the board, all of whom were Republicans, and they elected Dr. Wright's successor, and so on down the Democrats were elected. I do not understand that the Wright board were either made to resign or caused to resign in any other way than that they felt that it would be better for them to do so because they did not possess the confidence of the community. Alfred M. Waddell is undoubtedly the same man who made the speech, made in the question before me, and he did preside over that mass meeting held on the 9th day of November, if my memory serves me right, 1898, and was, as I have to the position of mayor of Wilmington in March, 1899, receiving a large majority of the votes cast at the Democratic primaries. I know most of these facts which I have stated of my own knowledge, and where I have made statements on information and belief I have so indicated it.

Q. Colonel, what are your politics?—A. I can hardly say that I have any politics—I do not belong especially to any political party and rarely attend any political

meetings. I can best describe my politics as being antagonism to the Republican party. I used to be an old-line Whig. I generally voted, I will add, with the Democratic party since the war.

Q. Colonel, whom did you support in the late election as the candidate for Congress in this district?—A. I voted for Mr. John D. Bellamy, sir.

Q. Were you not a very enthusiastic and earnest supporter of Mr. Bellamy, the contestee in this case, during the campaign preceding the late election, and are you not at the present seriously anxious for his success in this contested-election case?—

A. I was not particularly enthusiastic, sir; I rarely attend political meetings; I am anxious for Mr. Bellamy to obtain the seat to which I regard that he was honestly elected, or I try always to be on the side of what I think is honesty.

Q. Colonel, did you contribute any part of the fund expended in the purchase of a rapid-fire gun or guns and ammunition therefor, secured just previous to the late election, or at some time during the campaign preceding such?—A. I do not recall that I contributed at all to it; but am not prepared to say now that I did not.

Q. Have you ever seen or examined such gun or guns referred to as owned by the people or a part of the people of Wilmington?—A. Yes, sir; I am an old artillery officer, and I take pleasure in looking at weapons of that sort. I went to the armory, in Wilmington, especially to see that gun, and did see it there in charge of the volunteer military.

Q. What make or makes, name or names, does or do such gun or guns bear?—A. I have the impression that it is called the Gatlin rapid-fire gun, but I never noticed the name on the gun itself.

Q. What capacity is claimed for the gun you saw—the number of discharges of which it is capable per minute of time?—A. I have never seen the gun fired and can't speak accurately as to its capacity. I have never seen it anywhere save in the armory building. I can say, however, it is a very rapid-firing gun.

Q. Is it not a fact that this particular make of gun has a capacity of firing about eighteen hundred or more shots per minute?—A. For the reason just given, I am unable to answer that question.

Q. Colonel, are you not aware of the fact that previous to the late campaign an agreement was effected between the controlling Republican leaders and the controlling Democratic leaders for the sake of peace and to avoid and prevent political and racial trouble in the city of Wilmington and county of New Hanover that there would be no Republican county ticket, nor Republican legislative ticket, except for the senate branch of the general assembly of North Carolina, and that in consequence of such an agreement Mr. Geo. Peschau was withdrawn or withdrew and Mr. Joseph T. Carr was withdrawn or withdrew at the behest of the leaders of their party, the Democratic party, of New Hanover County, and that in consequence of such agreement observed in good faith by each of the two parties named there were no Republican or Fusion candidates for county offices of New Hanover County, and Messrs. Peschau and Carr were not candidates of the Democracy, but in their stead other Democratic candidates were substituted, the result of which arrangement at the election which occurred November 8, 1898, not a Republican or Fusion candidate, except for the State senate, was voted for and he not elected, and that the whole entire Democratic county ticket and legislative ticket were elected, and if you do not know of this arrangement of your own knowledge, have you not information from reliable Democrats entirely satisfactory to yourself in reaching the conclusion that such arrangement for the purpose named was effected and observed?

(Counsel for contestee object to this question in that it assumes a compromise was effected in order to prevent bloodshed and racial conflict, whereas there is no evidence of the fact that the compromise if so effected was effected for any such reason.)

A. I attended a meeting of citizens in the city of Wilmington not composed exclusively of Democrats, in which it was reported by a self-constituted committee consisting of one Republican, one Democrat, and one clergyman of influence in this city, who stated to this meeting that they had had a conference with Governor Russell in which they had urged that representative men of Wilmington should be sent to the legislature, and used other arguments; and that Governor Russell had agreed to use his influence to have no ticket put in the field by the Republican party for local offices and for member of the lower house of the legislature, provided Mr. Peschau and Mr. Carr, who were the then nominees of the Democratic party, should be withdrawn from the ticket and other men, who he said should represent more fully the business interests of Wilmington, substituted in their places. I was appointed one of the committee to call upon Mr. Peschau and ask him to assent to this agreement. Mr. Peschau went to the meeting and did consent to the arrangement by agreeing to withdraw from the candidacy for the legislature. Mr. Carr, the other nominee, was not seen at that time, but subsequently followed Mr. Peschau's example. Other gentlemen were nominated in their places and were elected to the legislature.

Q. Did you know the political excitement to be unusually intense and bitter during the late campaign preceding the election occurring November 8, 1898—to an

extent unknown for years, if not never before, even in the State of North Carolina?—A. So far as I am able to judge, or was able to judge—not being much in political life—I did not so regard it up to and inclusive of November 8, 1898. There was undoubtedly very great excitement a day or two subsequently to the day of election. I had occasion to visit one or two of the polling stations on the day of election, and I remember remarking to some friends at the time that I never saw so quiet an election before in all my life as that which obtained on the 8th of November, 1898.

Q. Do you not know of your own knowledge that a new registration was ordered in the interest of the Democratic party according to the counsel, advice, and direction of representative Democratic leaders, and do you not know as a fact that in the county of New Hanover the Democratic party had two of the three officers constituting the board authorized to appoint registrars and judges of election, and do you not know further that it was the plan, purpose, and practice of the leading Democrats of the city of Wilmington and New Hanover County to prevent as far as possible the registration of Republican voters by such means as advising them that if they should register they, their employers, would have no further use for their services, and do you not know of the fact that there was a short Republican registration in the city of Wilmington and New Hanover County in consequence of such influences and this and other practices upon the part of Democratic workers and partisan supporters, and if not of your own knowledge an instance or instances have occurred were you not informed by conversation, or declarations had with and made by others to the effect that such registration should be so effected, and is it not a fact that the result was known to and claimed by Democratic leaders shortly after the closing of the registration that much had been so accomplished and that the condition gave hope and inspired faith in Democratic chances for election?

(Counsel for contestee object to this question on the ground that it is complex and highly improper, and that it contains further supposition not testified to, and further that it assumes the existence of a state of facts of which no evidence so far has been adduced. Counsel for contestee further object to such part of the question as asks witness to state matters mere of hearsay, and not within his own knowledge.)

A. I know that there was a new registration, but I do not know that it was ordered in the interest of any party, or upon the advice, counsel, or direction of the representative men of any party. I know as a fact that in the county of New Hanover the Democratic party had Colonel Taylor, clerk of the court, and Colonel Moore, chairman of the county commissioners, were Democrats; the other one was a Republican. I do not know, sir, that it was the plan, practice, and purpose of the leading Democrats of the city of Wilmington, New Hanover County, to prevent as far as possible the registration of Republican voters; still less do I know that there were efforts to prevent them by advising them that if they should register they (their employers) would have no further use for their services. I do not know that. On the contrary, I have refreshed my memory about the voting in the city of Wilmington, county of New Hanover, since our morning session, and, if I remember correctly now, that the vote in the city of Wilmington was only all together some 50 votes short of that of the previous election and the entire county only some 200 votes short of the previous election. I do know that prior to the election and after the registration the Democratic party was very hopeful of success at the ensuing election; that they were very sanguine of success.

Q. Colonel, what has been considered the strongest political party in existence in the county of New Hanover for some years past up to and including the last election, when each party was organized regularly and with no extraneous or unusual condition existing to prevent a fair expression of the sentiment of the voters of the county of New Hanover; in other words, has it been considered and known to be a Republican or Democratic county?—A. As a rule, not a universal acceptance; however, the Republican party has been the dominant party.

Q. What has been considered as the reasonable or normal Republican majority of New Hanover County?—A. I should say about 800.

Q. Do you not know the fact that the Republican party stands to-day, in consequence of conditions existing before, at, and subsequent to the election occurring November 8, 1898, in a most perfectly disrupted, disorganized, and demoralized condition; many of its leaders, and among them by far the most active ones, by ostracism and threats expatriated to that extent has not the demoralization existed as that in the city of Wilmington in the recent municipal election occurring in March last, the Republican party chose for chairman not a single candidate, not a single administrator, not a single member of the board, and at all representative in such and election the Republican party that has so recently had a large majority of voters in said city? (Objected to because it calls for an expression of an opinion, which is not evidence, and, further, it is not responsive to any question brought out on the direct examination.)

A. I know, sir, or believe, that the Republican party is greatly demoralized, but I am by no means satisfied that it arises from causes assigned by you in your ques-

tion. It arises in a considerable degree, at least, from the fact that men who have heretofore been adherents and leaders in the Republican party have been voting and giving their influence to the Democratic party, and did so in a considerable degree in the last Congressional election. I think that answers the interrogatory.

Q. Is it not a fact within your knowledge that the active leaders in the Republican party in the campaign of 1896, and who were in charge as leaders in 1897, and until the opening of the campaign in 1898, are now expatriated and living not within the city of Wilmington nor county of New Hanover, and that their absence is chargeable to the riotous conduct of Democrats in the city of Wilmington just after the election occurring? And if you are not prepared to swear positively to the fact that such riotous conduct was the cause of their expatriation, will you not state that it is the accepted opinion, so far as you have heard it expressed, that the absence of such leaders from the city of Wilmington and county of New Hanover is to be credited to the conduct referred to?

(Question objected to on the ground that it is an examination into matters which occurred subsequent to the election on November 8 last, and the fact that they are away, if they are away, has no bearing on the election which occurred in November prior to their departure.)

Counsel for contestant, for the purpose of saving time at this point, asks the contestee in person, conducting for himself this examination, if he denies or admits the absence from the city of Wilmington of a number of leaders of the Republican party since soon after the election which occurred November 8, 1898.

To which the contestee replies that acting as counsel, that he is not on the witness stand and doesn't propose to admit or deny anything; that if the counsel for contestant had asked the contestee when he was on the witness stand that he would have cheerfully answered it.

Whereupon the counsel for contestant asks the contestee if at the conclusion of the examination of the prior witnesses, Colonel Atkinson, he will agree to support upon the stand as a witness for himself, and get with himself to his examination upon this subject of the absence of certain leaders of the Republican party.

To which the contestee replies in person that as soon as the contestee concludes the examination of one other witness after Colonel Atkinson's examination is closed, if put upon the stand, the contestee will with pleasure answer that question.)

Here Colonel Atkinson has read to him the question last propounded to him, and answers as follows:

A. I am not aware of the absence from the city of Wilmington of but two of the recognized leaders of the Republican party. One of them occupies the gubernatorial chair at Raleigh and expatriated himself, and the other was the former deputy sheriff, who was also recognized as a leader, and he, I do believe from what I can hear, was invited emphatically to leave the city, and has not, so far as I know, returned.

Redirect examination:

Q. You say, witness, that you are an old artillery officer. What rank did you hold during the late war?—A. Colonel of artillery in the Confederate service.

Q. You stated that you had seen a rapid-fire gun in the city. Will you please state where that gun is?—A. When I saw it, sir, it was in charge of the volunteer military company, in the armory.

Q. Is that military company a part of the State Guard of North Carolina, under command of the governor of North Carolina, commander in chief of the military forces?—A. Yes; it is, and was at that time.

Q. You were asked on your cross-examination if the Republicans ran any ticket in this county in the election of 1898, to which you answered in the negative, as I recollect. I ask you, sir, refreshing your memory, if you don't know that they ran in this county, as elsewhere in the State, a full ticket for all State officers to be voted for at the last election and also a ticket for member of Congress?—A. They certainly did, sir, in this district, and I believe in every other district in the State, as far as I have heard.

Q. Did they not also run a ticket for State senator from this senatorial district?—A. They did.

Q. You were also asked the question as to which was the stronger party in the county, the Democratic or Republican party, and to which you replied that generally the Republican party. I ask you if you do not know that in the general election of 1890 that the whole Democratic ticket in this county for State senator down to constable was elected?—A. I know that some few years ago the whole Democratic ticket was elected, but I can not say from recollection now unfreshed whether it was in 1890.

Q. I ask you if you don't know the Democratic ticket was elected in 1892 in this county when Stedman was elected for sheriff?—A. The Democratic ticket was elected about that time, but I won't depose as to the exact year, because I don't recollect positively.

Q. I ask you if you don't recollect that in 1894, when Herbert McClammy ran for the legislature and Colonel Taylor for clerk of the court, and John Haar for register of deeds, that they were elected from this county as Democrats?—A. I remember that with entire distinctness.

Q. Don't you know that Mr. William Chadbourn, the present postmaster of this city, was regarded as a leader of the Republican party?—A. I should say that he was more distinctly the leader of the Republican party in this city than anyone else, save only Judge Russell when he was in the city.

Q. Is he not here now?—A. He is; and is postmaster.

Q. Isn't Fred. B. Rice also another Republican leader?—A. I suppose he would be called so.

Q. And is he not here now?—A. Yes, sir; he isn't a very prominent leader.

Q. Don't you regard Col. Flaviel W. Foster as a Republican leader, and is he not here now?—A. F. W. Foster, I believe, has been regarded as a leader of Republicans, but as it is a class of people I don't have much to do with, I really don't know; he is here now; I saw him a while ago.

Q. You have described in your examination to-day how the Republican board of aldermen, by their consent, resigned one by one and elected a new board of aldermen composed of representative citizens; I ask you if the new board of aldermen then elected did not retain in office the Republican city clerk and treasurer, Mr. Wm. Struthers, from that day up to the 1st of April, 1899, and until his successor was elected and qualified?—A. They did retain Mr. Struthers until the early part of April.

Q. I will ask you if you don't know also, as a fact, that the high sheriff of New Hanover County, Elijah Hewlett, the Republican, did not hold his office without interference or interruption until his term expired and his successor was duly elected and qualified?—A. He did.

Q. Is he not still in the county residing here as ever?—A. He resides in the county, but not in the city, sir. I will add that he resides at the same place where he has resided, to my knowledge, for the last twenty years; not in the city.

JOHN WILDER ATKINSON.

Sworn to and subscribed before me this 11th day of April, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

The contestee in this case, John D. Bellamy, at the conclusion of the testimony of Col. John W. Atkinson, expressed his willingness to take the stand in accordance with the former request of counsel for contestant and answer such questions as counsel for contestant called for in his former request, and thereupon counsel for contestant declined to further protract the examination.

The contestee here introduces the consolidated election law of North Carolina, in force at the election held on the 8th of November, 1898, and which is attached hereto, marked Exhibit A¹ of this taking, to which the contestant through his counsel, Oscar J. Spears, admits and assents that the same is correct.

We, John J. Fowler and Thos. E. Wallace, notaries public, hereby certify that the foregoing testimony of John D. Bellamy, Edward C. Warren, Matt Bremer, and John W. Atkinson, together with the election law, marked Exhibit A, constitutes the full and entire testimony taken by us in pursuance of the notices hereto attached in the contested-election case of Oliver H. Dockery, contestant, v. John D. Bellamy, contestee, the said depositions being taken at the time and place therein named and subscribed and sworn to by the witnesses at the time therein mentioned, and the proceedings had at the examination of said witnesses is all hereinbefore correctly set forth.

Witness our hand and seal this the 11th day of April, 1899.

[SEAL.]
[SEAL.]

JNO. J. FOWLER,
T. E. WALLACE,
Notaries Public.

Notice to take depositions.

To OLIVER H. DOCKERY,
Contestee, Rockingham, N. C.

SIR: You will take notice that I will proceed to take testimony in the above entitled cause at Monroe, N. C., in the court room of the court-house of Union County before M. L. Flow, notary public, beginning at 10 o'clock a. m. on Tuesday, the 28th day of March, 1899, and continuing from day to day if necessary. I will

¹Omitted in printing.

examine the following witnesses, namely: C. W. Laney, J. D. Parker, E. W. Pointer, C. N. Simpson, W. C. Heath, E. A. Armfield, clerk superior court, J. M. Blair, Monroe, N. C.; Chas. C. Huntley, Marshville, N. C.; W. F. Fraywick, T. R. Foard, Monroe, N. C.; Henry McWhorter, Walkersville, N. C.; J. L. Younts, James Tomberlin, Indian Trail, N. C.; Robert H. Howie, Monroe, N. C.; R. L. Stevens, Waxhaw, N. C.; V. H. Cheers, Hope, N. C.; J. J. Cox, Lane, N. C.; M. C. Austin, Negro Head, N. C.; B. F. Richardson, Waterloo, N. C.; Wyman Helms, Monroe, N. C.; Atlas Griffin, Richardson Creek, N. C.

This the 20th day of March, 1899.

JOHN D. BELLAMY,
Per ARMEFIELD & WILLIAMS,
Attorneys.

Served March 22, 1899, by delivering copy of the within to Col. O. H. Dockery.

T. L. WRIGHT, *Sheriff.*
By J. E. YOUNG, *Deputy Sheriff.*

Pursuant to the annexed notice to Oliver H. Dockery, contestant in the above entitled cause of the taking of the depositions or testimony of the following-named witnesses for contestee, at the court-house, in the court room, in the town of Monroe, Union County, State of North Carolina, to wit, viz, C. W. Laney, J. D. Parker, E. W. Pointer, C. N. Simpson, W. C. Heath, E. A. Armfield (clerk of superior court), J. M. Blair, Charles C. Huntley, W. F. Fraywick, T. R. Foard, Henry McWhorter, J. L. Yontz, James Tomberlin, Robert H. Howie, R. L. Stevens, V. T. Cheers, J. J. Cox, M. C. Austin, B. F. Richardson, Wyman Helms, and Atlas Griffin, I, M. L. Flow, a notary public, resident in the Sixth Congressional district of North Carolina, under the authority of law conferred on me by section 110 of the Revised Statutes of the United States, on the 28th day of March, A. D. 1899, in the town of Monroe, Union County, N. C., both Oliver H. Dockery, contestant, and John D. Bellamy, contestee, being present by their attorneys, proceeded to take the depositions of the following witnesses for contestee named in the notice aforesaid, to wit: C. W. Laney, J. D. Parker, E. W. Pointer, C. N. Simpson, W. C. Heath, E. A. Armfield (clerk of superior court), J. M. Blair, Charles C. Huntley, W. F. Fraywick, T. R. Foard, Henry McWhorter, J. L. Yontz, James Tomberlin, Robert H. Howie, R. L. Stevens, V. T. Cheers, J. J. Cox, M. C. Austin, B. F. Richardson, Wyman Helms, and Atlas Griffin, which said depositions are hereto attached.

Witness my hand and notarial seal this 28th March, A. D. 1899.

[SEAL.]

M. L. FLOW, *Notary Public.*

W. C. HEATH, being duly sworn, deposes and says:

(On motion of contestant's counsel, J. W. Stein, notary public of Monroe County, N. C., is associated with M. L. Flow, notary public, in taking of the depositions.)

Q. Please state your name, age, and place of residence.—A. W. C. Heath; 33 years; Monroe, N. C.

Q. What is your occupation?—A. Merchant and manager of cotton mill.

Q. What is your politics?—A. Democrat.

Q. Do you know one Mr. J. W. Stein, and did you have a conversation in the hotel office in his presence the night preceding the election in 1898 relative to the mill operatives under your care? If so, state what that conversation was.

(Question objected for reason that question is leading, and for the further reason that its form suggests to the witness just such answer as the contestee would have witness make.)

A. Have known Mr. Stein several years. Did have a conversation in the office of Hotel Jefferson in his presence concerning the election which was to occur next day, and upon a question being asked by someone as to how the vote of the factory operatives under my charge would be, I replied that I was in hopes that they would vote the straight Democratic ticket, and that I thought it would be to their best interest, and that in my opinion their vote would be almost solidly Democratic as there were only three Republicans in our employ, and it would be useless to try and influence them. In this connection I spoke of a joke related to me by V. E. McBee, general superintendent of Seaboard Air Line. The joke having been suggested to his mind on account of a business transaction with him relative to the erection of a new cotton platform, the location of I had been the means of securing for the railroad company. When he, the said McBee, suggested the plat of ground was insufficient and that we extend the platform over and on to a certain sidewalk, adjacent thereto. I advanced the idea that there would be objections to this on the part of a few individuals, but more so by the employees of his road, as it was their usual route for them to travel to and from their work. With this statement he replied by saying, when my employees object to anything that is of interest to my road, invariably I tell them, you can do my way or else—and further added you know what the else

means—it means discharge. In this connection I referred to the above conversation with McBee, and stated that I could not in using a pressure to influence the vote of the mill operatives do as he had done, and say vote my way or else.

Q. Did you direct the conversation referred to in the above question, while in the hotel office, to Mr. J. W. Stein?—A. I did not.

Q. Were you in Monroe on the occasion of the Tillman speaking, just preceding the election in 1898; if so, what position did you occupy?—A. I was, and was chief marshal of the occasion.

Q. Were you in the parade on the occasion of the Tillman speaking as referred to in the above question?—A. I was; and reviewed the line from end to end.

Q. Were there any "Red Shirts" in line, and if so where were they from, if any, and about how many?—A. About 5, all of whom were from South Carolina, with the exception of two, one of which was a colored man.

Q. What was the general behavior of the paraders and other citizens who were present on the occasion of the Tillman speaking in Monroe, just prior to the election in 1898?—A. The most orderly demonstration I have ever witnessed.

Q. About how many people were present on the occasion above referred to?—A. From 5,000 to 8,000.

Q. Was there any such organization existing in Union County during the campaign of 1898 known as "Red Shirts"?—A. None, to my knowledge.

Q. If such organization did exist, as referred to in above question, in other counties in the Sixth Congressional district, what effect, if any, did it have on the voters of Union County?—A. If it had any effect, it was not apparent.

Q. State what you know of Col. O. H. Dockery's—the contestant in this case—vacillating political career?—A. He is regarded by both political factions as being a demagogue and a political trickster, and, when it serves his purpose best, to resort to almost any means to further his interest in the search for office.

Q. Did you hear Col. O. H. Dockery make a speech in Monroe during the campaign of 1896, and if so, please state what was his attitude in regard to the free coinage of silver?—A. He advocated the free coinage of silver.

Q. Did he, on the occasion referred to in the preceding question, denounce the Republican party and its leaders who advocated the "gold standard"?—A. He did.

Q. Did you hear or hear of any threats of intimidation on the day of the Tillman speaking in Monroe or at any time during the campaign of 1898?—A. I did not.

Q. Did you hear, during the campaign, any threats against the Republican or Populist leaders or voters that were calculated to produce fear or violence?—A. I did not.

Q. Were the Populist or Republican leaders as aggressive in the campaign of 1898 as in former campaigns?—A. In the outset I think they were, but on account of a split between themselves they were not later on, and from appearances were indifferent as to results.

Q. State if there was dissatisfaction among former Republicans and Populists in Union County because of the fusion of these two parties during the last campaign, and what effect did this dissatisfaction have, if any, on the result of the general election?—A. There was considerable dissatisfaction, and I think that this dissatisfaction was the cause of the result of the election as much as anything else.

Q. Do you know of anyone who was prevented or kept away from the polls in Union County at the election in 1898 on account of fear of violence or threats of intimidation?—A. I do not.

Q. Did you hear Senator Tillman make a speech in the town of Monroe just prior to the election in 1898?—A. I did.

Q. Did Mr. Tillman state, in his speech referred to in the above question, that Winchester rifles and red shirts were more important than the ballot box?—A. He did not so speak, but said things that might have been so construed had his speech not been closely followed and connected, and in appealing to colored voters, many of whom were present, and in calling their attention to the treatment of them by their friends the Democratic party, he stated that it would be much better for them to be sowing wheat and plowing corn on election days, and were they to do so they would not be so unfortunate as to lay themselves liable to come in contact with Winchester rifles, which, in his opinion, should be called into play when one of their colored citizens should write an infamous article concerning the virtue, honor, and integrity of the white women of the South, such as had been published by a colored man by the name of Manly editing a paper at Wilmington, N. C.

Q. Did you hear Mr. Bellamy's speech in Monroe during the campaign of 1898? If so, state if he advocated violence or intimated that force would be used by the Democrats in North Carolina if the colored people and populists did not vote the Democratic ticket?—A. I heard his speech and heard no such remarks made by him.

Q. Do you know of your own knowledge or did you hear of any threats made by the merchants of Monroe, or of the county of Union, to the effect that they would foreclose mortgages or withdraw credit from their customers, if they refused to vote the Democratic ticket at the election in 1898?—A. I heard no such talk.

Q. Do you have any knowledge yourself or did you hear of any money being used in the campaign of 1898 to influence voters in Union County?—A. None, except a campaign fund which a great many Democrats donated for the purpose of paying expenses of employees who had charge of the Democratic headquarters, and if any of this money was used for the purpose of buying votes I have no knowledge of it. I knew of some money having been paid to certain colored men after the election or after they had voted, but in no instance did I know of this money having been promised them prior to their voting.

Q. Why was the money referred to in the above question paid to certain colored people in Union County after the election in 1898?—A. The money referred to in former answer as having been paid to certain colored men was given them from the funds that were raised for the purpose of bearing the expenses of the Democratic campaign, as a token of appreciation for services rendered in redeeming the State from bad rule and misgovernment, and on account of the fact one J. Z. Green, editor of a sheet published at Marshville, N. C., known as *Our Home*, had prior to and in the beginning of the campaign shown great love and admiration for the colored people, in seeking their votes for the candidates for the Republican and Populistic combine, and who for quite a while continued to manifest a deep interest in them, but who later, being on the stump himself as a candidate, foresaw the inevitable result, and, judging from the tenor of his editorials, concluded that on account of the innumerable frictions which continued to exist between the two factions of the Republican party, suddenly changes his attitude toward them and appeals to the white voters of the county in all instances to support regardless of their political affiliations the white nominees, in an instance where a colored man should offer themselves for office. This naturally brought about a commotion among the colored voters.

Q. Do you know J. W. Stein to be a bitter partisan? And if so, state what you know about his leadership in the campaign of 1898.—A. In my opinion, judging from Mr. Stein's action in the political campaign of 1898 and in all his actions since my acquaintance with him, he is what would be termed a bitter partisan.

Cross-examination by Mr. W. C. HEATH:

Q. Mr. Heath, you were a partisan supporter of John D. Bellamy in the campaign of 1898, were you not?—A. I was.

Q. You are a partisan supporter of John D. Bellamy in this contest, are you not?—A. I am simply here as a citizen to do my duty in giving this evidence, with the hope of no reward and asking none.

Q. Do you desire to see Mr. Bellamy retain his seat in Congress?—A. I do.

Q. Were you present when Mr. J. W. Stein was examined for the contestant in this case?—A. I was not.

Q. Have you seen the evidence of Mr. Stein in this case?—A. I have not, but have heard of it.

Q. So you don't know of your own knowledge as to what Mr. J. W. Stein swore about the conversation he heard you have in the Hotel Jefferson?—A. I do not.

Q. Did you contribute to the campaign fund in 1898?—A. I did.

Q. How much did you contribute?—A. About \$25.

Q. Did the Monroe Cotton Mills, of which you are secretary and treasurer, contribute to the campaign fund of 1898?—A. I did not, nor did the company.

Q. Do you swear that there were not more than five Red Shirts on the day that Tillman spoke here?—A. I can't recall having seen exceeding five.

Q. So, then, Mr. Heath, the county of Union and the town of Monroe was invaded by mounted Red Shirts on Saturday before the election of 1898 from South Carolina?—A. Question has been answered when I stated, in answer to question on direct examination, that there were not exceeding five Red Shirts on the day referred to, three of which, I think, were from South Carolina, which would not appear to be either an invasion or raid.

Q. Do you mean that there was only five persons in the town of Monroe wearing red shirts that day Tillman spoke here, or do you mean that five was all you saw here?—A. As above stated, can't recall having seen exceeding five.

Q. You don't mean to say that five was all that were here on that day?—A. May have been more, but think not, for as chief marshal I reviewed the entire line.

Q. Did you belong to an organization known as the White Government Union in 1898?—A. I did not.

Q. Did such an organization as that exist in the town of Monroe?—A. There may have been, but I have no such knowledge.

Q. Senator Tillman did tell the colored people that they would be less likely to come in contact with Winchester rifles if they would stay at home and sow wheat on election day, and not go to the election?—A. He made no such declaration clothed in this language, but the language used by him has already been stated by me in a former answer.

Q. Did you not state in your direct examination that Senator Tillman said in his speech that sufficient provocation had been made by certain Republicans as to justify and bring into play Winchester rifles?—A. For the answer I refer you to my direct examination.

Q. What did you say in your direct examination about Tillman's advice to use Winchester rifles in the campaign of 1898?

(Question objected to by contestee.)

A. In my direct examination I quoted my recollection of what Tillman said in reference to Winchester rifles, in which connection I don't remember to have used the language that the above question would suggest, but his use of the word Winchester rifle was used in reference to an editorial published by a negro editor of Wilmington, N. C.

Q. Did you state in your direct examination that Senator Tillman used the following language in his speech in this town on Saturday before the election: "It would be much better for them (the colored people) to be sowing wheat or plowing corn on election day, and were they to do so they would not be so unfortunate as to lay themselves liable to come in contact with Winchester rifles, which, in his opinion, should be called into play when one of their number should write an infamous article concerning the white women of North Carolina, such an and have editorial and published he a colored man would hardly editing a paper in the city of Wilmington, N. C.?"—A. I did use those words in my direct examination, and after giving this direct examination I remember that Senator Tillman in talking on this line referred to South Carolina, his native State, and his talk in this connection seemed to have been an appeal to the colored voters present, and he cited the fact that a great body of the colored vote of South Carolina on election days, instead of being at the polls, were sowing wheat, etc.

Q. Who invited Senator Tillman to speak in Monroe?—A. I don't know.

Q. This conversation that you had in the Hotel Jefferson about how the operatives in the Monroe Cotton Mills should vote was nothing more than a joke, was it?—A. I did not state that the operatives of the mill should or should not vote this or that way, and for further answer refer to direct examination concerning this matter, in which the word joke was used.

Q. Is there not a conflict between your evidence and the evidence of Mr. Stein as to what you said in that conversation in the Hotel Jefferson?—A. Don't know, as I have never seen nor heard his evidence.

Q. What did you hear about Stein's evidence in regard to that conversation?—A. I heard that Mr. Stein stated that I, upon being asked the question by someone as to how the mill operatives would vote, that I, in answer to this question, stated that they "The mill operatives should vote my way or else—you know what that means."

Q. Then there is a conflict between your evidence and what you heard Mr. Stein's evidence was on this particular point, is there not?—A. Not so much a conflict, but misconstruction of both the words and meaning.

Q. You were a little boisterous on that occasion, were you not, Mr. Heath?—A. I was not boisterous, but mad.

Q. Were you not cursing the Republicans, Russell, and others on that occasion?—A. Yes, sir.

Q. May you not have said, being mad as you were, a great many things on that occasion you do not now remember?—A. I was in my right mind; had been attending to my business at the mill, and during the day remember very distinctly certain machines having broken down several times; was naturally worried; remained there a considerable time after dark. Leaving the mill, in going home I came by the way of the Jefferson Hotel, went into its office, and found several gentlemen there, together with Mr. Stein, who were and apparently had been discussing politics for quite a while. It being on the eve of election, I naturally joined in and took a part in the discussion.

Q. Didn't you mean from what you said on that night about how the operatives of the Monroe Cotton Mills would, should, or could vote, that it would not be best for them, if they wanted to retain their jobs, to vote the fusion ticket?—A. I did not so mean nor did I so state, and can prove by every operative in the mill that I not only did not make threats, but did not even persuade them in any manner as to how they should vote.

Q. You stated in your direct examination that there was no intimidation practiced in Union County by the Democrats during the campaign of 1898. Don't you know that intimidation of various kinds was practiced in the county of Union, and especially in the town of Monroe?—A. I know that there was not in Monroe, and heard of no intimidation being practiced at any of the precincts of the county. To the contrary, it was as quiet here as a Sabbath day, and it was remarked upon by both white and colored that it was the most orderly election ever held here.

Q. You stated in your direct examination that bribery was practiced in the town of Monroe by paying of certain colored men money for the services that they had

rendered to the Democratic party in Union County in the election of 1898. Don't you know that bribery of various kinds was used to influence Republican voters in the campaign of 1898, such as the buying of votes with money by promising certain parties jobs, and by the use of free drinks dispensed at the Democratic headquarters in the town of Monroe?—A. (To first paragraph.) I made no such statement that bribery was practiced, nor do I have any knowledge that bribery was practiced. (Answer to second paragraph.) I know of no votes having been bought, nor do I know of any jobs having been promised for the purpose of influencing votes one way or the other, and the money referred to as having been paid to certain colored men was given to them after the election and for reasons explained in my direct examination, and as to the free drinks, I have no knowledge of whisky having been dispensed at Democratic headquarters during campaign or election day.

Q. Did you not state in your direct examination that the money paid these colored men out of the Democratic campaign fund was for services rendered the Democratic party by them in helping to free the State from bad government and misrule?—A. I did not. I stated that it was given as a token of appreciation of their voluntary services rendered during the campaign.

Q. Who were these colored men who this money was paid to; name them, or as many of them as you do know?—A. I don't know anyone to whom this money was paid.

Q. Don't you know that a great deal of intimidation was practiced throughout the Sixth Congressional district?—A. I do not of my own knowledge, nor did I hear anything concerning same except articles I read in Republican and Populist papers, and in the campaign literature issued from Fusion headquarters.

Q. Do you not know, and was it not a fact so notorious as to be known by all men, that the intimidation practiced by the Democrats during the campaign of 1898 in certain counties in the Sixth Congressional district became so fearful and terrific as to cause Daniel L. Russell, governor of North Carolina, to issue and publish a proclamation commanding the people of North Carolina, and especially certain counties in the Sixth Congressional district, to desist from further acts of violence?—A. The only thing that I do know was that it was published that Russell issued a proclamation, or something to that effect, calling upon the people to refrain from doing things that might bring about a clash which might result in death to many; this, it being claimed, was not done by him until he appeared to be frightened, and felt uneasy for his own safety, and not until a race trouble was about to take place at Wilmington, N. C., and this clash, as I believe, was not a political one, but was brought about by a certain editorial in a newspaper at Wilmington, edited by a colored man called Manly, and I believe that it was Governor Russell's intention to make a political matter of this unfortunate occurrence, with which the Democratic voters of this district had nothing to do.

Q. Did you see the circular issued by the chairman of the Democratic executive committee of Union County just prior to the election in 1898 in which he said that it would be better to settle this matter by the ballot than to be forced to resort to the use of the shotgun, or words to that effect?—A. I saw no such circular, nor do I believe one of the kind was issued.

Q. About how much money was made up for the campaign in Union County in 1898?—A. I don't know.

Q. Do you know who had the disbursement of this campaign fund?—A. I don't know, but suppose it must have been done through "Democratic headquarters."

Q. Is it not a fact, Mr. Heath, that it has always been the policy and the pride, at least for the last several years, of the Democratic politicians in the town of Monroe to in every way possible harass, bulldoze, and intimidate Republican and Populist voters of the town of Monroe?—A. No.

Q. Did you state in the Hotel Jefferson on the night you had this conversation about the cotton-mill operatives that you were ready to take up your gun on the next day should it be necessary to insure Democratic success at the polls?—A. I did not.

Q. Did you say anything in reference to taking up your gun?—A. I did. In conversation mention was made by a traveling man of some recent happenings in the eastern part of the State, where a few days prior to that a negro constable had done some act of violence to some white lady, and upon this statement I waved my hand to the crowd before me, and said, "I'll swear that before I would submit to a thing of this kind I would shoulder my gun." There was no mention made by me of shouldering gun and going to the polls.

Q. Did you say you heard Oliver H. Dockery speak in the town of Monroe during the campaign of 1898?—A. I did.

Q. How much of his speech did you hear and about how long did he speak?—A. I don't remember.

W. C. HEATH.

Sworn to and subscribed before us 28th March, 1899.

M. L. FLOW, Notary Public.
J. W. STEEN, Notary Public.

CHARLES HUNTLEY, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. Charles Huntley; age, 46; place of residence, Marshville.

Q. What is your occupation?—A. Merchant.

Q. Give the name of your voting precinct.—A. Marshville.

Q. Which party or parties had a majority of the judges of election at your precinct at the election of 1898?—A. The Fusionists.

Q. Do you know of any fraud practiced or proposed to be practiced by the Democratic party in the election of 1898 in Union County?—A. I do not.

Q. Do you know of any person having a right to vote who stayed away from the polls in Union County at the election in 1898 on account of fear of violence or threats of intimidation?—A. I do not.

Q. Were you in Monroe on the occasion of the Tillman speaking just preceding the election?—A. I was here in time to hear about twenty minutes of his talk.

Q. Did you see any Red Shirts in Monroe on that occasion?—A. I did not.

Q. Do you know of your own knowledge or did you hear of any threats of intimidation made by the merchants of Marshville or of the county of Union, to the effect that they would foreclose mortgages or withdraw credit from their customers who voted the Fusion ticket in the election in 1898?—A. I heard no such talk.

Q. Do you know the general character of J. C. Hasty?—A. I think so.

Q. What is it, good or bad?—A. Bad.

Q. Do you know the general character of J. W. Hasty?—A. Yes, sir.

Q. What is it, good or bad?—A. I would call it bad.

Q. Was there any such organization existing in Union County during the campaign of 1898 known as "Red Shirts"?—A. If there was I never heard of it.

Cross-examination:

Q. Do you do a cash or time business, Mr. Huntley?—A. Both.

Q. Do you take liens and mortgages, and have you got any now?—A. Yes, sir.

Q. How many mortgages and how many liens have you got on the people of Union County at this particular time?—A. I don't know.

Q. Have you closed any liens or mortgages since the election of 1898?—A. No.

Q. Was the chairman of the board of registrars in your precinct a Democrat in 1898?—A. I don't know.

Q. Were you not a partisan supporter of John D. Bellamy in the campaign of 1898?—A. I was.

Q. Are you not a partisan supporter of John D. Bellamy in this contest?—A. I am.

Q. Did you contribute to the campaign fund in Union County in 1898?—A. I did not.

Q. Did you get the disbursement of any of the campaign funds?—A. I did not.

Q. Did you try to influence voters by either the use of money or goods during the campaign of 1898?—A. No.

Q. What is the character of J. C. Hasty bad for?—A. His morals is bad in several different ways.

Q. Name the things that his moral character is bad for.—A. One is running after colored women; white women, too.

Q. Name some of the colored women and white women that J. C. Hasty is bad after.—A. I decline to answer.

Q. You stated that J. C. Hasty's character was bad morally for several things. You have stated that it was bad for women; now state what else it is bad for morally.—A. I refuse to answer.

Q. Is J. C. Hasty's character bad except morally?—A. I have heard it was.

Q. Who did you hear say that J. C. Hasty's character was bad?—A. I decline to answer.

Q. Why do you decline to answer that question?—A. I decline to answer that.

Q. What is J. C. Hasty's politics?—A. Republican.

Q. Don't that have more to do with his bad character than anything else, in your estimation?—A. No, sir.

Q. Do you decline to answer any more questions in regard to J. C. Hasty's character?—A. I do.

Q. Why do you decline to answer these questions after stating that his character was bad?—A. I decline to answer for reasons best known to myself.

Q. You swear that a man's character is bad and then when called upon for specifications you decline to answer?—A. I decline to answer any more about Mr. J. C. Hasty.

Q. What is J. W. Hasty's character bad for?—A. I decline to answer any and all questions asked me touching the general bad character of J. W. Hasty.

Q. You swear that your neighbor's character is bad and then when called upon for specifications as to what it is bad for you cry out the baby act and decline to answer.—A. Yes, I decline to answer.

Q. So you decline to answer any further questions about the character of J. W. Hasty, do you?—A. Yes.

Q. Did you belong to the "White Government Union?"—A. I did and thought every other white man ought to.

Q. Do you know what the object of that organization was in North Carolina in the campaign of 1898?—A. Well, I think I know what it was. Two years ago we were so far behind in our precinct we wanted to see how many additions we could make to our ranks.

Q. There was a great many white men in your precinct who did not join the "White Government Union" in 1898, was there not?—A. Oh, yes; a good many of them.

CHAS. HUNTLEY.

Sworn to and subscribed before us 28th March, 1899.

M. L. FLOW, *Notary Public.*

J. W. STEEN, *Notary Public.*

J. J. COX, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. J. J. Cox; 58 years of age; Lanes Creek Township, Union County.

Q. What is your occupation?—A. Farmer.

Q. How far do you live from the town of Monroe, N. C.?—A. About 15½ miles, I think—commonly called 16 miles.

Q. What is your politics?—A. I am a Democrat.

Q. Did you vote the Democratic ticket in 1896?—A. Not fully. I voted the Populist ticket so far as the Populist ticket run, the balance I voted Democratic.

Q. What, in your opinion, was the cause of the Populists in Union County, in the campaign of 1898, coming back to the Democratic party?

(Question objected to for the reason that he is asking the witness for his opinion and not what he knows.)

A. My opinion is that it was brought about by dissatisfaction because of fusion with Republicans.

Q. Was there a fair and peaceable election at your precinct in 1898?—A. It was perfectly peaceable and fair, so far as I know.

Q. Did any such organization known as "Red Shirts" exist in your precinct or, so far as you know, in the county of Union in the campaign of 1898?—A. No, sir; there did not.

Q. Was there a full vote polled at your precinct at the election in 1898?

(Question objected to by contestant for the reason that he is asking the witness about a matter of record, and the record would be the best evidence, of course.)

A. I think there was.

Cross-examination:

Q. Who did you vote for for governor in 1896?—A. I don't remember.

Q. If you don't remember who you voted for for governor in 1896, how can you swear that you voted the Populist ticket as far as it went and the balance Democratic?—A. I made inquiry when I did not know the candidate's politics, and I never voted for a Republican in my life unless I was misinformed as to his politics.

Q. You can read and write, Mr. Cox, can't you?—A. Yes, sir.

Q. When you vote you usually select your own ticket, do you not, Mr. Cox?—A. I do.

Q. Didn't you vote for Oliver H. Dockery for lieutenant-governor in 1896, and didn't you know then that he had always been a Republican?—A. I knew that he was a Republican, but I did not vote for him.

Q. So, then, you did not vote the Populist ticket so far as it went in 1896?—A. I did not consider Dockery a Populist.

Q. Don't you know that Oliver H. Dockery was the Populist candidate for lieutenant-governor in the year 1896?—A. He was the Fusion candidate, and I took no part in fusion whatever.

Q. Don't you know that Cyrus B. Watson and Thomas W. Mason were the Democratic candidates for governor and lieutenant-governor in 1896, and that Wm. A. Guthrie and Oliver H. Dockery were the Populist candidates for governor and lieutenant-governor in 1896, and that Daniel L. Russell and Charles A. Reynolds were the Republican candidates for governor and lieutenant-governor in 1896?—A. I remember as to Watson and Guthrie and Russell; as to the others I do not remember.

Q. Did you vote for Mason, Dockery, or Reynolds for lieutenant-governor in 1896?—A. Do not remember.

Q. So you don't know, then, Mr. Cox, what ticket you voted in 1896?—A. I voted a split ticket.

Q. These Populists that you speak of coming back to the Democratic party in 1898 are about such Populists as you are, are they not?—A. I suppose they are; they did not feel like being led over into the Republican party.

Q. What time did you go to the election and how long did you remain there?—A. I was there when the polls were opened, and I remained until the votes were counted.
 Q. Did you belong to the White Government Union in 1898?—A. I did not.
 Q. Did such an organization as that exist in your precinct in 1898?—A. I suppose there did; I did not visit it.

J. J. Cox.

Sworn to and subscribed before us on 29th March, 1899.

M. L. FLOW, *Notary Public*.
 J. W. STEEN, *Notary Public*.

B. F. RICHARDSON, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. B. F. Richardson; 62 years; Buford Township, Union County.

Q. What is your occupation?—A. Farmer.

Q. What is your voting precinct?—A. Irby's Store.

Q. Is that on the border line of South Carolina?—A. It is.

Q. Which party had the majority of judges or officers of election at your precinct in 1898?—A. The Fusionists.

Q. Was there a fair and peaceable election at your precinct in 1898?—A. There was so, as much as I have ever seen.

Q. Was there a full vote polled at your precinct at the election in 1898?

(Question objected to for the reason that he asks the witness about a matter of record, and the record is supposed to be the best evidence.)

A. I was one of the registrars, and there was a full vote polled that day.

Q. Do you know of anyone who was prevented or kept away from the polls in your precinct or in the county of Union in the campaign of 1898 on account of fear of violence or threats of intimidation?—A. I do not, sir.

Q. Was there any such organization existing in your precinct, or do you have any knowledge of such existence in the county of Union, known as "Red Shirts" during the campaign of 1898?—A. No, sir; I did not know of any at all.

Q. Were you in Monroe on Saturday before the election in 1898, the occasion of the Tillman speaking?—A. Yes, sir; I was here.

Q. About how many people were present on that occasion?—A. I would think as many as 4,000.

Q. From what you saw, what was the demeanor of the people on that occasion?—A. It was good for an occasion like that.

Q. Do you know of any Republican or Populist speaker who was prevented from speaking in Union County during the campaign of 1898 by the Democrats?—A. I do not. There was a Populist speaking at a public schoolhouse in my district, and when the crowd gathered the house was locked. I took a bolt of iron and drew the staple to let the crowd in.

Q. Have the various elections which have been held at your precinct preceding the election of 1898 been fair and peaceable?—A. I think so, sir.

Cross-examination:

Q. You were a partisan supporter of John D. Bellamy in the campaign of 1898, were you not?—A. I am a Democrat, and have always voted the Democratic ticket, and voted for Bellamy.

Q. You are a partisan supporter of John D. Bellamy in this contest, are you not?—A. No, sir; I can't say that I am. I voted for him in this election.

Q. Don't you desire to see John D. Bellamy retain his seat in Congress regardless of what the evidence in the case may develop?—A. I am desirous for him to retain his seat, but if he is there fraudulently, I can't say that I would be desirous for him to remain there.

Q. In your direct examination you swore that you didn't know of a single Populist or Republican in the county of Union who was prevented from going to the polls on account of fear or violence. Do you mean to swear that there was not one who was prevented from going on account of fear or violence in Union County in 1898?—A. I know of none who were kept away.

Q. So, then, you don't mean to swear that there were not any who were kept away?—A. No, sir; I could not swear that.

Q. Didn't you see parties wearing red shirts in Union County before the election of 1898?—A. No, sir; there were said to be some here during the day Mr. Tillman spoke, but I did not see them.

Q. Don't you know that the election of 1894 was not a fair and free election in Union County?—A. I don't remember.

Q. Mr. Richardson, do you honestly believe, laying all your political prejudices aside, that the election of 1898 was a free and fair expression of the will of the people of Union County?—A. I do.

- Q. Did you belong to the White Government Union in 1898?—A. I did not.
- Q. Did such an organization as that exist in your precinct?—A. I think they did, but I understood them as Democratic clubs.
- Q. Did you ever attend any of the meetings of this club?—A. I did not.
- Q. Was there not parties from South Carolina at your precinct on election day?—A. No, sir.
- Q. You don't mean to say that the crowd the day that Tillman spoke here was a peaceable and quiet crowd, do you?—A. I do, for an occasion of that kind.
- Q. What would you call a quiet and peaceable crowd on an occasion like that?—A. It was free from rowdyism, jovial, lively, and easily controlled.
- Q. Did you receive any letters from the chairman of the Democratic executive committee of Union County during the campaign of 1898?—A. I did.
- Q. Did you see the circular issued by him just prior to the election, commonly known among the Republicans and Populists as the shotgun circular?—A. No, sir; I never heard of it before.
- Q. What kind of circulars and letters did you receive from him?—A. I don't now remember the contents of letters and circulars.
- Q. Have you now on your person any of the letters or circulars which you received from the chairman?—A. I have not.
- Q. Did you get any of the campaign fund raised by the Democrats in 1898?—A. No, sir; and never saw any of it.
- Q. Did you contribute anything to the Democratic campaign fund?—A. No, sir.
- Q. Don't you know that money was used in your precinct by the Democrats in the election of 1898?—A. No, sir; I don't.
- Q. Did you see the proclamation issued by Governor Russell?—A. I may have seen it, but don't remember it now.

B. F. RICHARDSON.

Sworn to and subscribed before us 29th March, 1899.

M. L. FLOW, *Notary Public.*

J. W. STEEN, *Notary Public.*

WINMORE HELMS, being duly sworn, deposes and says:

- Q. What is your name, age, and place of residence?—A. Winmore Helms; age, 39; Monroe Township, Union County.
- Q. What is your voting precinct?—A. Tyndall.
- Q. Did you have a conversation with Mr. John D. Bellamy, the contestee in this case, during the campaign of 1898?—A. A few words.
- Q. Did Mr. Bellamy, in that conversation with you, tell you that if the Fusionists remained in control of affairs in North Carolina in two years snotty-nose negro children would be going to the same school with white children?
- (Question objected to, that the same is leading, and for the further reason that its form suggests to the witness just such answer as the contestee would have witness make.)
- A. He did not.
- Q. Did you tell S. M. Secrest that on account of a conversation that Mr. Bellamy had had with you you were afraid to stay at home at night?—A. I did not.
- Q. Do you know the general character of S. M. Secrest?—A. Yes.
- Q. What is it, good or bad?—A. Bad.

Cross-examination:

- Q. You were a partisan supporter of John D. Bellamy in the campaign of 1898, were you not?—A. Yes.
- Q. You are a partisan supporter of John D. Bellamy in this contest, are you not?—A. I am a Democrat.
- Q. You desire to see Mr. Bellamy retain his seat in Congress, regardless of what this evidence may develop, do you not?—A. I desire to see him retain his seat, because I believe him to be honestly elected.
- Q. Whose character was it that you swore to be bad here a while ago?—A. S. M. Secrest.
- Q. What is it bad for?—A. Because people do not believe what he says.
- Q. Who did you ever hear say they didn't believe what S. M. Secrest said?—A. I don't remember who I heard say so.
- Q. What else is Mr. Secrest's character bad for besides truthfulness?—A. Everything but what's good.
- Q. Name some of the things it's bad for.—A. He killed a man; he moved my corner tree; and I refuse to answer this question further.
- Q. Who did Secrest kill, and when did he kill him?—A. Jim Helm's son, some fifteen or twenty years ago.

Q. Was he tried for it; and if so, was he convicted or acquitted?—A. He came clear.

Q. How do you know Secrest moved your corner tree? Did you see him move it?—A. I don't know who else would move it; I did not see him move it.

Q. You swear that Secrest's character is bad for truthfulness, and when called upon for the parties who said they would not believe him you are unable to give the name of a single man.—A. I don't answer the question any further.

Q. You are not on friendly terms with Mr. Secrest, are you?—A. Yes.

Q. Although Mr. Secrest has moved your land corner continuously, and you have seen proper to come here and swear that he is a man of bad character, yet you swear that you and he are on perfectly friendly terms, do you?—A. Yes, sir; we are friendly because I do not wish to have any unkind feelings toward any man.

Q. Don't you think when you swear your neighbor's character is bad that you are likely to stir up strife between you and him and thereby cause difficulty?—A. No, sir; we don't have no strife.

Q. Where did you come from, anyway?—A. I was raised in this county, Monroe Township.

Q. How far do you live from S. M. Secrest?—A. About a mile, or two miles.

Q. Are you his nearest neighbor?—A. I am not.

Q. Are you the only man in your neighborhood that Mr. Bellamy could get to come and say that Mr. S. M. Secrest's character was bad?—A. I don't know that.

Q. Do you pretend to say that Mr. John D. Bellamy ever taken time to have a conversation with you?—A. He stopped and spoke to me while I was plowing on the road.

Q. If Mr. Bellamy did not say anything about snotty-nose negroes, what did he say?—A. I don't remember what he said.

Q. Who did you vote for lieutenant-governor in 1896?—A. I don't know.

Q. Who did you vote for superintendent of the penitentiary in 1896?—A. I can't answer. I don't know who could answer such question.

Q. Who did you vote for railroad commissioner in 1896?—A. I can't answer.

Q. Who did you vote for United States Senators in 1896?—A. I can not answer that question.

Q. You consider yourself a pretty fair sample of the Democrats of Union County, don't you?—A. As good as any of them.

Q. You can not say who you voted for United States Senator in 1896, yet you come here and swear that your neighbor's character is bad.—A. I refuse to answer.

Q. How much of the campaign fund did you get?—A. None.

Q. Were you promised any?—A. No, sir.

Q. Didn't you get some free drinks at Democratic headquarters?—A. I don't recollect.

Q. Were you not a frequent visitor at Democratic headquarters during the campaign?—A. No, sir.

WINMORE HELMS.

Sworn to and subscribed before us 29th March, 1899.

M. L. FLOW, *Notary Public.*

J. W. STEEN, *Notary Public.*

ROBERT H. HOWIE, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. R. H. Howie; 40 years old; Monroe Township.

Q. What is your occupation?—A. Farmer.

Q. What is your voting precinct?—A. Tyndalls.

Q. Which party had a majority of the judges and officers at your precinct?—A. Parties were equally represented.

Q. Was there a fair and peaceable election at your precinct at the election of 1898?—A. There was.

Q. Did you have a list of negro voters with crimes charged against them at the Tyndall precinct on the day of election in 1898?—A. I did not.

Q. Did you challenge any voter on the day of election at the Tyndall precinct, and was anyone who had the right to vote denied such privilege?—A. I did not; and no one was denied the right of voting that I know of.

Q. Did you or any Democrat threaten to indict any man who was charged with a crime who persisted in voting at the Tyndall precinct at the election in 1898?—A. I did not myself, and no one else to my knowledge did.

Q. What was the general demeanor of Democrats at the Tyndall precinct on the day of election in 1898?—A. Good.

Q. Was the election in 1898 at that precinct fair and peaceable?—A. It was fair and peaceable, so far as I know.

Q. Was there a full vote polled at the Tyndall precinct in the election of 1898? (Question objected to by contestant.)

A. I can't say whether there was a full vote or not. I think there was a fair vote, and I think it was larger than it was two years ago.

Q. Were the challenges which were made, if any, at the Tyndall precinct made on the day of challenge, as prescribed by law?—A. They were.

Q. Do you know of your own knowledge, or did you hear of any threats made by the merchants of Monroe, or of the county of Union, that they would foreclose mortgages or withdraw credit from any customers who voted the fusion ticket in 1898?

(Question objected to for the reason that the merchants referred to in this question are within the jurisdiction of this court and could be brought here to testify for themselves by the contestee, if they so desired.)

A. I do not.

Q. Do you know or did you hear of any such organization existing in your precinct, or Union County, known as "Red Shirts," during the campaign of 1898?—A. There was none in our precinct or none that I knew anything about.

Q. Do you know of any voter in your precinct who was kept away from the polls by reason of fear of violence or threats of intimidation?—A. I know of none.

Cross-examination:

Q. You were a partisan supporter of John D. Bellamy in the campaign of 1898, were you not?—A. I am a Democrat and voted for him.

Q. You are a partisan supporter of John D. Bellamy in this contest, are you not?—A. I am a supporter for him if he is fairly elected, which I think he is. I know he was fairly elected in my precinct.

Q. You are here testifying for Mr. Bellamy and desire to see him retaining his seat in Congress, do you not?—A. I am testifying for him and desirous to see him retain his seat if fairly elected, which I think he was.

Q. How many negroes were challenged at your precinct on challenge day, and who challenged them?—A. I think there was two or three; I think Mr. J. D. Parker challenged them.

Q. Was Parker a resident of that precinct?—A. No.

Q. Was Parker secretary of the Democratic executive committee of Union County?—A. I think he was.

Q. Don't you know that the election law only allowed residents of voting precincts to challenge voters?—A. No, sir.

Q. So then you were a Democratic judge of the election and held the election in 1898 and did not know what the law was?—A. If there is any such thing as that in the law I did not know it.

Q. Do you swear that not a single voter in Tyndall precinct or Union County was kept away from the election in 1898 by fear of violence?—A. None to my knowledge.

Q. Did you contribute to the Democratic campaign fund in 1898?—A. I did not.

Q. Did you use any of the Democratic campaign fund in 1898 in your precinct?—A. I did not; I never have received one cent from any political party in my life.

Q. Do you swear that money was not used in Tyndall precinct by the Democrats of Union in the campaign in 1898?—A. I won't swear as to that.

Q. Were you not one of the Democratic workers in your precinct on election day and before election day?—A. I was a manager of election on election day, and attended to my business as well as I knew how; I am a Democrat, but do not take much stock in elections; have always voted the Democratic ticket, but do not consider myself much of a worker.

Q. What sort of a list was that you had out there on the day of election?—A. I did not have any.

Q. Did you belong to the "White Government Union"?—A. I did not.

Q. Did such an organization as that exist in your precinct?—A. None to my knowledge.

Q. Was it not your intention and the intention of other Democrats at Tyndalls precinct to carry the election of 1898 if you had to resort to unfair means to do it?—A. It was not my intention, and I do not think any other Democrat in the precinct thought so.

Q. Was not everything done by the Democrats that could possibly be done for some days prior to the election of 1898 to bulldoze, frighten, terrorize, and intimidate the Republican and Populist voters throughout the county of Union, and especially the colored voters?—A. No; not to my knowledge.

Q. Did you see the circular issued by the chairman of the Democratic executive committee of Union County prior to the election of 1898, commonly known by the Republicans and Populists as the "Shotgun" circular?—A. I did not see it, and never heard of it until to-day.

R. H. HOWE.

Sworn to and subscribed before us 29th March, 1899.

M. L. FLOW, Notary Public.
J. W. STEEN, Notary Public.

JAMES M. TOMBERLIN, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. James M. Tomberlin; age, 40 years; place of residence, Vance Township.

Q. How far do you live from the town of Monroe?—A. Ten miles.

Q. What is your occupation?—A. Farmer.

Q. What is your voting precinct?—A. Conders.

Q. Was there a full and fair vote polled at your precinct in the election of 1898?

(Question objected to for the reason that the record would be the best evidence.)

A. Yes, sir.

Q. Did you hear the speech of the Hon. John D. Bellamy, the contestee in this case, made at Stouts, during the campaign of 1898?—A. I did.

Q. Did he state in that speech that the citizens in his town, Wilmington, had already ordered and armed themselves with 3,000 Winchester rifles and had one or two sentinels at all the public squares and corners?

(Question objected to, for the same is leading.)

A. I did not.

Q. Did he say in that speech that at the "first gathering of the crowd they were going to shoot the negroes down"?—A. Did not.

Q. State in detail what Mr. Bellamy did say, if anything, about the use of Winchester rifles in Wilmington and surrounding counties in his speech at Stouts during the campaign of 1898.—A. Mr. Bellamy said in that speech that the people of Wilmington were armed—the whites for the protection of their property and the negroes for affray or a row. He went on to say that the negroes had ordered Winchester rifles, and he would not be surprised if there were not something in the neighborhood of 3,000 rifles in Wilmington at that time.

Q. Was the speech made by Mr. Bellamy on the occasion referred to in the above question a bitter and vindictive speech?—A. It was not. The speech was very conservative, one of the most so I ever heard in a campaign—an appeal to the people to use their influence to stop the clash that was likely to come about among the people in his town.

Cross-examination:

Q. You were a partisan supporter of John D. Bellamy in the campaign of 1898, were you not, Mr. Tomberlin?—A. I was.

Q. You are a partisan supporter of Mr. John D. Bellamy in this contest, are you not?—A. I do not know that I am. I believe that Mr. Bellamy was fairly elected and desire to see him seated.

Q. Do you remember all that Mr. Bellamy said in that speech?—A. Yes, sir; I think I do—purport of it.

Q. Mr. Bellamy said that he thought there was likely 3,000 Winchester rifles in the city of Wilmington at that time and that there was danger of a clash at any time, did he not?—A. He said that there was in the neighborhood of 3,000 rifles in Wilmington at that time and that there might possibly be a clash at any time between the whites and blacks; that the negroes had insulted the whites from time to time, and that they would not or could not stand such indignities much longer.

Q. Do you call such language as this a conservative speech?—A. I do.

Q. Mr. Secrest was not mistaken when he said that Bellamy said there was 3,000 rifles in the city of Wilmington?—A. I don't know that he was.

Q. You say Mr. Bellamy advised the people of Stouts to keep cool. Do you think that such language as used by Mr. Bellamy on that occasion was likely to keep people cool?—A. I do. He advised the people to go to the ballot box and vote the Democratic ticket, and not to resort to any means of violence whatever.

Q. Did you get any of the campaign fund of 1898?—A. I did not.

Q. Did a White Government Union exist in your precinct, and did you belong to it?—A. It did, and I did belong to it.

Q. What was the object of that White Government Union?—A. To organize the white voters.

Q. You held secret meetings, did you not?—A. We did not.

Q. Did you ever discuss the raising of campaign funds in any of your meetings?—A. We did not.

Q. Was not that Government Union looked upon by colored people as a kind of Ku Klux organization?—A. I could not say how they looked upon it, but I do not think it was.

JAMES M. TOMBERLIN.

Sworn to and subscribed before us 29th March, 1899.

[SEAL.]
[SEAL.]

M. L. FLOW, Notary Public.
J. W. STEEN, Notary Public.

M. C. AUSTIN, being duly sworn, deposes and says:

Q. What is your name and age?—A. M. C. Austin; 48 years.

Q. What is your business?—A. Farming.

Q. What is your voting precinct?—A. Olive Branch, New Salem Township, Union County, N. C.

Q. Was there a full and fair vote polled at your precinct in the election of 1898?—(Question objected to.)

A. There was a full Democratic and Republican vote in our precinct, and so far as my knowledge extends it was fair. There was some Populists that did not go to the polls, and some that did go did not vote.

Q. Do you know of any voter in your precinct who was kept away from the polls at the election in 1898 by reason of fear of violence at the hands of the Democrats?—

A. I do not.

Cross-examination:

Q. You were a partisan supporter of John D. Bellamy in the campaign of 1898, were you not?—A. I was a Democrat and voted for John D. Bellamy, and have been a Democrat since 1868.

Q. You are a partisan supporter of John D. Bellamy in this contest, are you not?—A. If the truth be for him so far as I am able to tell it, I am for him; otherwise I am not.

Q. You are a White Supremacy Democrat from Negro Head, are you not?—A. I am from Negro Head Creek and Negro Head post-office, but not from negro headquarters.

Q. If you are not a White Supremacy Democrat, what kind of a Democrat are you?—A. White Supremacy, Low Tariff, Free Silver Democrat.

Q. So, then, you are sort of Populistic Democrat, are you not?—A. I am not.

Q. So, then, there was not a full vote polled at your precinct in 1898, was there?—A. All the voters in my precinct, as I have afore said, did not vote; but the vote polled in 1898 was as full, if not fuller, than it has been prior to that date.

Q. What means have you of knowing that a full Democratic and Republican vote was polled in your precinct in 1898?—A. Personally I am acquainted with well near every voter in my precinct and know their politics. I was present at the polls on the day of the election and saw the poll book, and got a list of every man that had registered upon said poll book upon the day of the election.

Q. Did you get any of the campaign fund in 1898?—A. I did not.

Q. Was there any money used by the Democrats in your precinct in the campaign of 1898 to in any way influence the election?—A. None to my knowledge; neither do I believe that John D. Bellamy and Oliver H. Dockery, with their stupendous wealth combined, could buy votes enough to pay them their livery and feed bill to send a delegation to my precinct for the purpose of influencing voters; in other words, we have only about twenty negroes in our township, and our white voters is not for sale.

Q. You are a White Government Union Democrat, are you not?—A. I am a white Democrat in Union County.

Q. You belonged to the White Government Union in the campaign of 1898, did you not?—A. I did.

Q. Who did you vote for superintendent of public instruction in the election of 1896?—A. I don't remember his name.

Q. So, then, you are a White Government Union Democrat and the White Supremacy, Low Tariff, Free Silver Democrat from Negro Head, and a witness for the contestee, John D. Bellamy, in this case, and can't tell for whom you voted for superintendent of public instruction in 1896?—A. I refer you to my former answers for that.

M. C. AUSTIN.

Sworn to and subscribed before us 30th March, 1899.

M. L. FLOW, *Notary Public.*
J. W. STEEN, *Notary Public.*

R. L. STEVENS, being duly sworn, deposes and says:

Q. State your name and age.—A. R. L. Stevens; 34 years old.

Q. Where did you reside in the year 1898?—A. At Waxhaw, in Jackson Township.

Q. What was your voting precinct?—A. My voting precinct was Waxhaw.

Q. Is the Waxhaw precinct a border precinct of South Carolina?—A. Yes, sir; about 3 miles from the State line.

Q. Was the election at your precinct in 1898 a fair and peaceable one?—A. It was.

Q. Was there a full vote polled at your precinct at the election in 1898?

(Question objected to.)

A. Larger, I think, than usual.

Q. Do you know of any man in your precinct who stayed away from the polls on the day of election in 1898 by reason of fear of violence at the hands of the Democrats?—A. I have heard since the election some Populists say that they failed to vote for the reason that they did not care to indorse fusion, and were unwilling to vote the Democratic ticket, and therefore decided to take no part in the election. Almost the entire Republican vote of the township did vote. I do not believe that a single voter failed to express his choice at the ballot box through fear or intimidation.

Q. Did you see the parade in Monroe on the occasion of the Tillman speaking just prior to the election?—A. Yes, sir.

Q. Were there any Red Shirts in line; and if so, about how many?—A. There might have been some, though I did not see them.

Q. What was the general demeanor of the paraders and other citizens who were present in Monroe on the occasion referred to in the above question?—A. I thought it was unusually good for a political gathering.

Q. Did you see an article which appeared in *Our Home*, a Fusionist paper published in Union County just prior to the election in 1898, in which the editor, to wit, J. Z. Green, advised all Populists, in case negroes were nominated for magistrates or for other offices in any township in Union County, to vote for the white nominees regardless of politics; and if so, state what effect that article, as published by Mr. Green, had on negro voters of Union County?—A. Yes, sir; I remember the article, and as a result of it the Republican voters in my township, nearly all of whom are colored, refused to vote for the Populist candidates, and the Populists failed to vote for the Republican candidates. In other words, it resulted in a failure of fusion to fuse. I may add that in my conversation with Populists through and during the campaign I heard greater dissatisfaction expressed in regard to Oliver H. Dockery than any other Fusionist candidate. This dissatisfaction was due, in my opinion, to a speech delivered by Mr. Dockery in Union County, in which he expressed his unqualified belief in the absolute political equality of the races, and defending himself for having voted for colored men for county offices in Richmond County.

Q. Did you hear the Hon. John D. Bellamy, the contestee in this case, make a speech or speeches in Union County during the campaign of 1898? And if so, state in detail what he said, if anything, about the use of Winchester rifles in Wilmington and surrounding counties.—A. I heard him make several, and in all of them he spoke of the insults and the threats made by the colored population in the city of Wilmington against the property of white citizens, and to such extent had it gone that the white people of the city had for the purposes of protection laid the city off into wards and provided themselves with Winchester rifles, to be used if necessary in protecting their lives and their property. He did not mention or intimate that the people of the city of Wilmington expected to influence or intimidate any portion of the voters.

Q. Were the speeches you heard Mr. Bellamy make in Union County during the campaign of 1898 of a bitter and vindictive character?—A. I did not think so, and heard no one else so express themselves.

Q. Did any such organization known as "Red Shirts" exist in your precinct or in the county of Union during the campaign of 1898?—A. No, sir.

Q. If such organizations existed in other counties in the Sixth Congressional district in 1898, was there any appreciable effect in Union County by reason of their existence?—A. I think not.

Q. Is Union County normally Democratic?—A. Yes, sir; it is and has been for years, with the exception of 1896, a Democratic County, and in my opinion the majority cast by the Democratic party in Union County is an indication of the fact that the Populists who had drifted from the party had returned, and my reason for so thinking is, that the majority is in the neighborhood of what it was before the organization of the People's Party in Union County.

Q. What, of your own knowledge, was the strongest cause of the Populists in Union County coming back to the Democratic party in the campaign of 1898?—A. The realization of the fact that the success of fusion meant the ascendancy of the Republican party in North Carolina and the furtherance and promotion of Republican doctrines, to which they were opposed and against which their party was organized to fight.

Q. Do you know Col. Oliver H. Dockery, the contestant in this case? And if so, state what you know about his vacillating political career.—A. I do; and I will say in reply that Col. Dockery enjoys the reputation of having belonged to many political parties, having earnestly advocated the election of Mr. Bryan in 1896.

Cross-examination:

Q. You were a partisan supporter of John D. Bellamy in the campaign of 1898, were you not?—A. Yes.

Q. You are witness for and a partisan supporter of John D. Bellamy in this contest, are you not?—A. I am a witness for John D. Bellamy, but I have no wishes or desire in this contest except to see the candidate having received the majority of the votes cast seated, whoever he may be.

Q. You were a candidate in 1898, and you are now a member of the legislature of North Carolina, are you not?—A. Yes, sir; I was also a member of legislature in 1895; both times as a Democrat.

Q. How much did you contribute to the campaign fund in 1898?—A. About \$25, I think.

Q. Did you use any money or other thing of value, or offer other inducements, either directly or indirectly, to influence voters in 1898?—A. I did not, except in a legitimate way.

Q. What do you mean by legitimate way?—A. I mean such methods as are used and adopted by all political parties, such as barbecues, political speakings, distribution of campaign literature, and organization of Democratic clubs.

Q. Do you mean that \$25 was all the money you spent in securing your election in 1898?—A. That was all I spent, except such incidental expenses as any candidate would incur in the canvass of his own county.

Q. Do you know or have you any idea why Mr. Bellamy, in speaking to the peaceable citizens of Union County, invariably referred to the warlike conditions that existed in the eastern end of this district?—A. My idea is that the local conditions which existed in the east were so intolerable and constituted such a menace to law and order that it was necessary for a change to be made, and that could only be done by effecting the general result, and that he mentioned this warlike condition for the purpose of invoking the aid of the citizens of our county in their efforts to remove those conditions and restore peace and order.

Q. Don't you know that it was Mr. Bellamy's intention and purpose in referring to those conditions to stir up strife between the races in Union County, and to a certain extent he did arouse the feelings of the white people and stir up strife?—A. I can only judge of his intention by the language which he used, the substance of which I have given in previous answer.

Q. Did you hear this equality speech made by Colonel Dockery in Union County?—A. I did, having been invited to discuss with him, jointly, the issues of the campaign.

Q. So there was not a full vote in your precinct in 1898?—A. There was a larger vote cast than in the previous election, but as I have stated, there was not a full vote of the fusionists for all candidates.

Q. Were there not some Populists who did not vote?—A. Possibly some who did not vote at all and many more who only voted for those they considered straight Populists. Quite a number also voted for Mr. Bellamy.

Q. Give me the names of the Republicans and Populists in your precinct or in Union County who told you that their reason for not voting for Colonel Dockery was on account of his equality speech.—A. I am unable just now to recall the names of any, but I do remember that the managers of the fusion campaign refused to allow Mr. Dockery to make any more speeches in the county. One Republican, Mr. G. E. Flow, upon my mentioning to him to bring Mr. Dockery here again, assigned as his reason that he did not care to please the Democrats and assist them in the election.

Q. You swear that this speech cost Dockery many Populist votes in Union County, and when called upon to name the Populists who you heard say they failed to vote for him on account of this speech, are unable to name a single man.—A. I desire to explain my previous answer by saying that that portion of his speech to which I referred advocating political equality of the races was not so objectionable as the admission in the same speech by him as that he had supported colored men for office. It is impossible for me now to recall the names of many, but I do remember that Squire R. T. Sistare, a Populist leader of Jackson Township, expressed to me his disapproval of such sentiments.

Q. You voted for the constitutional amendments, did you not?—A. I did.

Q. So you are in favor of restricting the suffrages to the few, are you not?—A. I am in favor of submitting the proposed constitutional amendment to the whole people of North Carolina and let them say in what manner the elective franchise shall be exercised.

Q. Didn't you promise the people of Union County that if you were elected that you would not interfere or try to abridge the right of any citizen to vote?—A. I stated always that it was not the disposition of the Democratic party to deprive any man of the right to vote, and the constitutional amendment does not violate that promise for the reason that it only defines how he may exercise that right.

Q. Don't you know and didn't you know at the time you voted for it that if the proposed constitutional amendments are adopted that the right of many colored people to vote now and after 1908 the rights of many white citizens to vote would be denied?—A. I did not then and do not now understand that the proposed amendment denies to any man the right to vote if he meets the qualifications therein laid down or specified.

Q. You are in favor of a qualified suffrage, are you not?—A. I am rather in favor of a qualified voter.

Q. Didn't you break faith with many of your constituents who voted for you in 1898 when you voted in the legislature of North Carolina to submit the proposed constitutional amendment limiting the suffrages of the people of North Carolina?—A. I did not, and so stated in casting my vote.

Q. Didn't you declare in public speeches in the campaign of 1898 that it was not the purpose of the Democratic party, nor your intention in case you were elected, to interfere with the right of any citizen to vote?—A. I have no recollection of stating my individual opinion except as hereinbefore stated.

Q. Didn't the Democratic press of North Carolina denounce in unmeasured terms what they termed "the Republican and Populist campaign lie that if they (the Democrats) got control of the legislature in 1898 that they would limit the suffrage in North Carolina," and didn't you and the other Democratic members of the legislature in voting for this proposed amendment do the very thing that Democratic speakers and Democratic newspapers promised the people they would not do?—A. I do not understand that either the press or the party had anything to say about a limited suffrage, and in submitting this proposed constitutional amendment to the people they simply recognized a well-known Democratic doctrine, to wit, the right of the people to decide and settle public questions by their votes.

R. L. STEVENS.

Sworn to and subscribed before us 30th March, 1899.

M. L. FLOW, *Notary Public*.

J. W. STEEN, *Notary Public*.

HENRY McWHORTER, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. Henry McWhorter; 45 years old, and live in Jackson Township.

Q. What is your occupation?—A. Farmer.

Q. What is your voting precinct?—A. Wilson's Old Store.

Q. Is your voting precinct on the border of the South Carolina line; and if so, about how far?—A. It is, and about 5 miles from the line.

Q. Was the election at your precinct a fair and peaceable one in the election of 1898?—A. Yes, sir.

Q. Do you know of anyone in your precinct who was prevented from voting in the election of 1898 because they were intimidated?—A. No, sir; I do not.

Q. Were you on one Hugh Craig's (colored) bond during the campaign of 1898?—A. No, sir.

Q. Were you on any colored man's bond who was charged with a crime, during the campaign of 1898? If so, state who.—A. Tom Craig's.

Q. In consequence of being on Tom Craig's bond, did you threaten to surrender him to any officer if he voted the fusion ticket?—A. No, sir; I did not.

Q. Do you know the general character of L. L. Fincher?—A. Yes, sir.

Q. What is it, good or bad?—A. Counted pretty bad.

Cross-examination:

Q. You were a partisan supporter of John D. Bellamy in the campaign of 1898, were you not?—A. Yes, sir.

Q. You are a witness for and a partisan supporter of John D. Bellamy in this contest, are you not?—A. Yes, sir.

Q. What did you say to Tom Craig about voting?—A. Didn't say anything.

Q. What did you say to Tom Craig about coming off from his bond?—A. I never said anything.

Q. What did Tom Craig give you or promise to give you for going on his bond?—A. Nothing; I never promised him nothing.

Q. What is L. L. Fincher's character bad for?—A. Not telling the truth.

Q. Name the men you heard say that L. L. Fincher would not tell the truth?—A. Well, I heard a lady say once that he stole a jug of whisky. His father said he was the very rascal that stole it.

Q. Give me the name of the lady you heard say that.—A. Francis Starnes.

Q. Where does she live, and what is her business?—A. She lives in Buford Township, and she is a farmer.

Q. Who did you ever hear say that they would not believe L. L. Fincher?—A. Zeke Griffin. I can't remember all of them.

Q. So Zeke Griffin is the only man you remember hearing say that they would not believe L. L. Fincher?—A. Yes, sir.

Q. What else is L. L. Fincher's character bad for?—A. Nothing else, that I know of.

Q. How long has it been since you heard this lady say that L. L. Fincher stole this jug of liquor?—A. Last summer.

Q. What are you mad at L. L. Fincher about?—A. Not mad a particle at him.

Q. How far does L. L. Fincher live from Representative Stevens, who was examined here before dinner?—A. Fincher lived about 7 miles from Stevens last year, but was postmaster at Waxhaw and went backward and forward from home to Waxhaw.

Q. So, then, L. L. Fincher is postmaster in the town where Representative Stevens lives, is he?—A. Yes, sir; the town of Waxhaw. Stevens lived in Waxhaw in 1898, but does not live there now.

Q. Was L. L. Fincher appointed postmaster at Waxhaw by President McKinley's Administration, and how long has he been postmaster there?—A. He was appointed that—he was appointed by McKinley a little over twelve months ago.

Q. How far do you live from L. L. Fincher?—A. About five miles and a half now.

Q. Waxhaw is a town of several hundred inhabitants, is it not?—A. Yes, sir; there may be 250 or 300 people there.

Q. So the only thing you ever heard against L. L. Fincher that you can now remember is that Zeke Griffin said he would not believe him and Francis Starnes said he stole a jug of liquor?—A. Yes, sir.

Q. Who did you vote for for lieutenant-governor in 1896?—A. I don't recollect now.

Q. Who did you vote for for superintendent of public instruction in 1896?—A. I don't remember that now.

Q. Who did you vote for Vice-President in 1896?—A. I voted for Sewall.

Q. Who is Vice-President of the United States?—A. Well, I don't know him if I was to meet him; I don't remember his name.

Q. Who is lieutenant-governor of North Carolina?—A. He is another man I have no dealings with and don't know him.

Q. Who is attorney-general of the State of North Carolina?—A. He is another man like the others, and I wouldn't know him if I was to meet him.

Q. Is not your reason for swearing that L. L. Fincher is a man of bad character because L. L. Fincher swore that, when a witness for the contestant in this case, that you tried to bribe or intimidate Tom Craig, a Republican voter of Jackson Township, in the election of 1898?—A. I know nothing about his swearing; that is something new to me.

Q. Then, if this is not the reason, what is your reason for coming here and swearing that your neighbor is a man of bad character?—A. Well, my reason is this, that when qualified here, my business is to tell the truth.

Q. Don't you know that if the character of L. L. Fincher was bad, that the contestee in this case could have proven it bad by Representative Stevens, or representative citizens of the town of which he is postmaster?—A. They have not been acquainted with the man long enough.

Q. You consider yourself a fair sample of the Democrats of your section, do you not?—A. Yes, sir.

Q. How much of the campaign funds did you get?—A. Did not get any.

Q. So you are a representative Democrat of your community, and don't know who is Vice-President of the United States, and who is lieutenant-governor of North Carolina, nor who is attorney-general of North Carolina, nor who you voted for for lieutenant-governor nor superintendent of public instruction in 1896, and yet you come here at the bidding of John D. Bellamy, the contestee in this case, and swear that the character of the postmaster of Waxhaw, Union County, is bad, do you?—A. I don't recollect the names referred to now, but I know the postmaster, and I stand to what I have said about him.

HENRY MCWHORTER.

Sworn to and subscribed before us this 30th of March, 1899.

M. L. FLOW, *Notary Public.*
J. W. STEEN, *Notary Public.*

V. T. CHEARS, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. My name is V. T. Cheers; age, 63; residence, Buford Township, Union County, N. C.

Q. What is your occupation?—A. Farmer.

Q. What is your voting precinct?—A. Armfields.

Q. Is your precinct on the border of South Carolina?—A. Yes, sir.

Q. Was the election at your precinct in 1898 a fair and peaceable one?—A. I went to the voting precinct early in the morning of or on the day of election, and, so far as I know, every voter who went there on that day for the purpose of voting was allowed and did vote as he or they saw proper, without any intimidation whatever.

Q. Was there a full vote polled at your precinct in the election in 1898?

(Question objected to.)

A. I think so, sir, there being more votes polled than there were in 1896.

Q. Do you know of a single voter in your precinct who stayed away from the polls at the election in 1898 because they were intimidated?—A. I do not, neither did I hear of any.

Q. Did any such organization as Red Shirts exist in your precinct or in the county of Union during the campaign of 1898?—A. I knew of none nor heard of none.

Q. Do you know the general reputation of S. M. Secrest?—A. I think I know it.

Q. What is it, good or bad?—A. Bad.

Cross-examination:

Q. You were a partisan supporter of John D. Bellamy in the campaign of 1898, were you not?—A. I don't know that I precisely understand the definition of the word "partisan." If the word "partisan" means a supporter of and a believer of Democratic principles and supporting its nominees, I am a partisan.

Q. You are a witness for and a partisan supporter of John D. Bellamy in this contest, are you not?—A. I am not, as I understand the word. I was subpoenaed to attend this investigation on last Monday, not knowing anything about the investigation before. Supposing and believing that it was a legal summons, I appeared or attended, which I would have done had the summons been served upon me by the opposite party.

Q. Will you swear, and do you swear, that not a single voter in the county of Union was prevented from voting in the election of 1898 by intimidation practiced by the Democrats?—A. So far as my own knowledge extends, and so far as I heard, not one man in the county, black or white, who was according to law entitled to vote, deprived of that privilege by the Democratic party.

Q. Do you mean to swear that not a single man was prevented?—A. I do, so far as I know, and I will go a little further and swear that neither do I believe a single man was so deprived.

Q. So then you swear that not a single man was prevented from voting by intimidation?—A. I have not sworn that. I have sworn that to my own knowledge, or so far as I had heard, not one man was deprived of the privilege of voting.

Q. Will you swear that not a single one was prevented from voting in the county of Union?—A. I do not claim to know everything. I think I have answered the question in a way that ought to be satisfactory to any reasonable questioner or attorney. While I believe that the last election held in this county was held legally and all elections held prior to that time, I am not fool enough to swear positively that not a single man was deprived of voting as he desired in the last election.

Q. Who had charge of the campaign funds in your township in the last election?—I do not know.

Q. Did you contribute to the campaign fund?—A. I did not.

Q. Didn't the Democrats use money in your precinct in the last election?—A. If so, I had no knowledge of it.

Q. Were you not the general manager for the Democrats in your precinct at the last election?—A. I was not, if I understand the question.

Q. What is S. M. Secrest's character bad for?—A. Lying, and being a man that many of the citizens of the county have no confidence in.

Q. Is that all it is bad for?—A. So far as I know. He has been tried for murder and acquitted.

Q. Give me the name and post-office address of all the parties who you heard say that S. M. Secrest was a liar?—A. I can't do it. While being in the town of Monroe at different times I have heard men say that Mr. Secrest was an untruthful and bad man, but to recall the names of those who said it I can't do it.

Q. Can't you give me the name of a single man, either in the town of Monroe or out of the town of Monroe, that you ever heard say that Secrest's character was bad?—A. Some years ago I had a conversation with Mr. Secrest, and after that conversation ended I went from Mr. Secrest to Capt. W. O. Starnes, spoke to him, he asked me how was my health, I told him I was very unwell; he replied that a man who would talk to such a man as McKey Secrest was, as long as I had, ought to, and would feel bad.

Q. How long since you had this conversation with Captain Starnes?—A. It has been some four or five years to the best of my recollection.

Q. Is that the only man that you can recall who said that Mr. Secrest was a man of bad character?—A. All that I can recollect of.

Q. How far do you live from McKey Secrest?—A. I think about fifteen miles.

Q. Don't you think when a man prefers a serious charge against a citizen of his county, as to swear that he is a man of bad character, that when he is called upon for specifications as to what it is bad for, and the name of parties who said it was bad, that he ought to be able to furnish the name of the parties who said it was bad?—A. It would always be more pleasant and agreeable to a witness and others if the witness could give the names of the persons who said that a certain man's character was bad, but we often meet in public assemblies or gatherings and hear the character of certain men discussed, and we can not and do not remember the names of those who said his character was bad.

Q. It does not necessarily follow that a man's character is bad though a few parties in his neighborhood and county may sometimes say it is bad, does it?—A. A few men in a man's neighborhood, or in his county, may say a man's character is bad while it may be good, but as regards the character of the man of whom I have just sworn, knowing it to be general belief and talk that it is bad, I must think that it is so.

Q. Your politics and that of Mr. Secrest are different, are they not?—A. So far as Mr. Secrest's evidence is to be believed we do not differ in politics very much; I claim to be a Democrat, and he claims to have a Democracy superior to mine; have heard him boast of his Democracy.

Q. Don't you know that McKey Secrest is a Populist, or claims to be one?—A. I do.

Q. You would have to have a right smart of stimulants and have your nerves pretty well worked up to swear that the character of any Populist or Republican was good, would you not?—A. Emphatically, I can swear that there are quite a number of Republicans and Populists in the county of Union, who are as honorable and as high-toned gentlemen as any men in the county, and who would be as far and would disdain the very idea of giving or offering to me any kind of stimulants whatever in order to influence me to swear that their character was good.

V. T. CHEARS.

Sworn to and subscribed before us, 30th of March, 1899.

M. L. FLOW, *Notary Public.*

J. W. STEEN, *Notary Public.*

C. N. SIMPSON, being duly sworn, deposes and says:

Q. State your name, age, and place of residence?—A. C. N. Simpson; 48 years old; residence, Monroe, Union County, N. C.

Q. What is your occupation?—A. Magistrate and farming some.

Q. What is your voting precinct?—A. Court-house box, Monroe Township.

Q. Was there a fair and peaceable election at your precinct in 1898?—A. Yes. I was at the polls very nearly the whole day at the election for Congressman and other officers and saw or heard of no disturbance, and every voter seemed to vote as he chose, without let or hindrance. In fact, I think it was the most orderly election I ever saw held at the court-house.

Q. Was there a full vote polled at your voting precinct at the election in 1898?—A. I think it was about normal.

(Question objected to.)

Q. Is the county of Union normally Democratic?—A. Yes. Until the rise of Populism it was so strongly Democratic that it aspired to bannership of the State.

Q. Did you hear any threats during the campaign against the Republican or Populist leaders or voters that were calculated to produce fear of violence?—A. None whatever.

Q. Do you know of a single voter in your precinct who staid away from the polls at the election in 1898 because they were intimidated?—A. No.

Q. Did any such organization as Red Shirts exist in your precinct or in the county of Union during the campaign of 1898?—A. None that I ever heard of.

Q. If such organizations as above referred to existed in other counties in the Sixth Congressional district, was there any appreciable effect in Union County by reason of their existence?—A. None that I ever heard of.

Q. Were you in Monroe just preceding the election, at the Tillman speaking; and if so, what was the general behavior or demeanor of the paraders or other citizens who were present on that day?—A. Yes. The demeanor was good. I heard it remarked by several that it was the most orderly crowd of its size they ever saw in Monroe before. Most everybody seemed to be in good humor and good natured. Very little drunkenness for a crowd so large.

Q. Do you know of your own knowledge or did you hear of any threats made by the merchants of Monroe or of the county of Union to the effect that they would foreclose mortgages or withdraw credit from their customers who voted the Fusion ticket at the election in 1898?

(Question objected to for the reason that the merchants above referred to are in the jurisdiction of this court, and their evidence would be the best evidence as to what they done.)

A. Not in a single instance.

Q. State, of your own knowledge, what was the strongest cause of the Populists in Union County coming back to the Democratic party in the last campaign.—A. I think it was the mismanagement of the governmental affairs by the officers intrusted with power by the cooperation of the Republican and Populist parties in 1896.

Q. Did you see an article which appeared in *Our Home*, a Fusion paper published in Union County, just prior to the election in 1898, in which the editor,

to wit, J. Z. Green, advised all Populists in case negroes were nominated for magistrates or other offices in any township in the county, to vote for the white nominees regardless of politics? And if so, state what effect that article as published by Mr. Green, chairman of the Peoples Party executive committee, had on negro voters in Union County.

(Question objected to for the reason that J. Z. Green and the article referred to in the above question are within the jurisdiction of this court, and would be the best evidence, of course.)

A. I think I saw something in his paper along that line just a few days before the election, and think it had the effect to make the intelligent negro voter distrust their Populist allies, and incidentally to weaken the fusion strength. I heard of some of the leading negroes criticising said article.

Q. Will you state the vote polled in Union County for the candidate for Congress for the Sixth Congressional district at the election in 1898 and compare same with the vote polled in 1896?

(Question objected to.)

A. The vote for Congressman in 1898 was 3,930 in Union County, the largest vote ever polled in the county for Congressman. The vote for Congressman in 1896 was 3,758, up to that time the largest vote ever given for Congressman. By reference to the record of elections, in the clerk and register's office, from 1880 to 1898, the total vote ranged from 1,050 up to the vote of last year.

Q. Do you know Col. Oliver H. Dockery, the contestant in this case? And if so, state what you know of his vacillating political career.—A. Yes, I know him; have heard him speak often on the stump. He was a regular Republican up to 1896, but according to common report he worked side by side with me and other Democrats for the election of William J. Bryan for President in 1896.

Cross-examination:

Q. You were a partisan supporter of John D. Bellamy in the campaign of 1898?—A. If the question means that I would work, right or wrong, for his election, then I was not a partisan supporter.

Q. You are a witness for, and a partisan supporter of John D. Bellamy in this contest, are you not?—A. I have been subpoenaed as a witness for Bellamy, but I am not a partisan supporter in this contest.

Q. You are partisan enough in this contest to swear to facts that are a matter of record without having the record before you, are you not?—A. My information was procured direct from the record.

Q. Did not the crowd that was in Monroe on the day that Tillman spoke here ride rapidly through the streets, and were they not somewhat boisterous?—A. They paraded through the streets in line somewhat rapidly, and were somewhat hilarious, but not more so than usual on such occasions, and all seemed to be good-natured so far as I saw; I was not in the parade.

Q. Don't you think that Democratic money had more to do with making the negro voters distrust their Populist allies than the article in J. Z. Green's paper did?—A. No; so far as I know not a cent of money was used on the negro voters.

Q. Did you contribute to the campaign fund in 1898?—A. No.

Q. Did you get any of the campaign fund in 1898; and if you didn't, don't you think you ought to have had some of it?—A. No, emphatically; and I did not want any or expect any, if there was any.

Q. You don't mean to swear that not a single voter in your precinct or the county of Union was not prohibited from voting on account of intimidation by the Democrats?—A. No; but if there was I never heard of it.

Q. You don't mean to swear that threats were not made by the merchants of Monroe and Union County to foreclose mortgages and withdraw credit from Populists if they voted the Fusion ticket, do you?—A. No; but if threats were made I never heard of them.

Q. In what part of the government was there mismanagement of its affairs?—A. Especially in the expenditure of the revenue and the penitentiary, the auditor's report showing a large increase over corresponding period of Democratic management.

Q. Do you know what the registered vote of Union County was in 1896 and in 1898? If so, state what it was in each of the years.—A. No.

Q. Was not the election of 1892 and 1894 in Union County a consummated fraud?—A. No; it never has been charged that there was fraud, and it has always been the boast of our people that we have honest and fair elections and make true returns of the election.

Q. Has it not always been the policy and the pride of the Democratic politicians of the town of Monroe to ostracise, bulldoze, frighten, terrorize, and intimidate and in every way possible harass and worry the Republican voters of the town of Monroe?—A. I think not.

Q. Don't you know that Mr. G. E. Flow, a brother of the man who is taking these depositions, when tendered as a witness for the contestant in this case, swore that he was afraid to testify for the reason that the Democrats had threatened to lynch him for the part he had taken in the campaign of 1898?—A. I was not present when he was tendered as a witness, but heard that he declined to give any further answers for fear of his personal safety, but do not believe that Mr. Flow was sincere, for the reason that I accosted him on the streets about his declination that same day or the next day, and told him he was not sincere, that it was only stage play for effect, and that he could tell all he knew without any fear of personal violence; Mr. Flow and myself have associated together almost daily for several years, and usually talk very freely to each other on political and other matters; I know that he has been accorded more privilege to talk and express his views generally than any other man in Monroe; while he may be despised by some for his views on politics and other subjects, yet I have never heard of any violence offered him by anyone in town; at the time I told him that he was not sincere about testifying, and that he knew he was in no danger, he just laughed and turned off from me.

Q. Do you mean to say, from your answer to the last question, that Mr. Flow swore falsely when tendered as a witness in this case? If not, what do you or can you mean by your answer?—A. I don't take it that Mr. Flow meant to swear that; that it was a mere declination to answer on those grounds; in all our association I have never heard him express any fear of personal violence, and I don't believe that he was in any danger of being mistreated by the people of Monroe or Union County if he had testified to nothing but the truth.

Q. Don't you know that all the evidence that Mr. Flow gave in that case, and his declining to testify, and his reasons therefor, was sworn testimony?—A. I don't think his declination was sworn testimony.

Q. How could a man testify after being sworn without its being sworn testimony?—A. He could not, in relation to the matters at issue.

C. N. SIMPSON.

Sworn to and subscribed before us, 30th March, 1899.

M. L. FLOW, *Notary Public.*

J. W. STEEN, *Notary Public.*

J. D. PARKER, being duly sworn, deposes and says:

Q. What is your name and age?—A. J. D. Parker; age, 41 years.

Q. Where do you reside, and what is your voting precinct?—A. I reside in Monroe, Union County, N. C., and vote at Barrett's store precinct.

Q. Was there a fair and peaceable election at your precinct in 1898?—A. Yes. I never saw so few people round the polls on election day before in my life, to be a full vote of the precinct cast.

Q. Was there a full vote polled at your precinct in the election in 1898?

(Question objected to.)

A. Yes, sir; I think there was.

Q. How far do you live from the Tyndall precinct?—A. About 4 miles.

Q. Were you at the Tyndall precinct on the day of challenge as prescribed by law, just before the election in 1898? And if so, state for what purpose you went there.—A. Yes, I went to the Tyndall precinct on challenge day prescribed by law. This precinct is in Monroe Township, the township in which I live, and the border line runs near my house. I had been informed that certain colored men would be at Tyndall precinct on that day for the purpose of registering, and knowing that those men lived in Sandy Ridge precinct I voluntarily went over there and informed the chairman of the board of registrars that those men lived out of his precinct. Those men's names are John Watts (colored), Lewis Harper (colored), and John Gray (colored). When I informed the chairman that those men lived in Sandy Ridge Township, he answered me that it didn't make any difference where they lived so they were in Union County, N. C., they had a right to vote wherever they were registered. I thereupon asked him to enter challenge opposite each one of these names, which was done, but no notice was ever served upon those men, and they had no trial on trial day.

Q. State what position you occupied during the campaign of 1898 and your knowledge, if any, of undue influence brought to bear by your party in Union County in the election of 1898, by threats, use of threats, intimidation, or otherwise.—A. I was secretary of the Democratic executive committee of Union County. No; I did not hear a single threat, nor I did not see any whisky, weapons of any kind, or hear of any kind being used or threatened to be used in the campaign, but on the contrary there was the most harmonious and friendly feeling existing among the white men of the two political parties I ever saw in a campaign. The colored people were, as usual, almost solid Republican, and was not interfered with during the campaign of 1898.

Q. Were you present at the taking of the depositions of the contestant in this case before J. W. Steen, notary public? And if so, state where they were taken.—A. Yes, sir; I was there. They were taken in a bedroom. I suppose it was his; a private bedroom in the Central Hotel.

Q. State what in your opinion was Mr. Steen's object in taking the depositions in behalf of contestant in this case in a small, private bedroom at the Central Hotel.

(Question objected to by contestant for the reason that he is asking the witness for his opinion, and not for what he knows.)

A. I think it was to have it as privately as possible. The attorney for the contestee asked to have the depositions taken in the court-house, and there was considerable complaint by private citizens on account of the depositions being taken at a place where they didn't feel at liberty to go to hear it.

Q. Do you know S. M. Secrest?—A. Yes.

Q. How long have you known him?—A. About twenty years.

Q. Do you know his general character?—A. I think I do.

Q. What is it—good or bad?—A. Bad.

Cross-examination:

Q. You were a partisan supporter of John D. Bellamy in the campaign of 1898, were you not?—A. I am a Democrat, and voted the Democratic ticket in the election of 1898.

Q. You are a witness for and a partisan supporter of John D. Bellamy in this contest, are you not?—A. I am a witness for John D. Bellamy, but I am not partisan in the contest. I am in favor of the man's that legally elected taking his seat.

Q. What does the word Democrat mean, and what kind of a Democrat are you?—A. I have never examined the full definition of the word Democrat, but, as I understand it, it means majority rule, and that is the kind of a Democrat I am. I am in favor of majority rule.

Q. It is not your intention to swear to anything in this contest that will injure John D. Bellamy's cause, is it?—A. It is not my intention to swear anything to injure anybody's cause. My intention is to swear the truth, regardless of results.

Q. Were you present at the taking of the depositions of the contestant in this case; and, if so, did you have to pay an admission fee to get in?—A. I was present. I did not have to pay an admission fee, but like the majority of others that went in, I rapped at the door before entering the bedroom.

Q. Do you know of a single party that was denied admission to the room in which these depositions were taken during the time they were being taken?—A. I do not. They were very kindly invited in when they rapped at the door, but there were several on the street who said that they would like to hear the depositions but that they did not care to go there to hear them or did not feel like going there to hear them.

Q. Don't you know that the room in which these depositions were taken is used by Mr. Steen as an office as well as a bedroom?—A. I do not.

Q. Mr. Bellamy was represented by counsel at the taking of these depositions, was he not?—A. He was.

Q. Was not the crowd present at the taking of these depositions as large or larger as the crowd that has been present at the taking of the depositions in this case by contestee?—A. It was not. I was there several times when there was not more than one or two outside of the witnesses and those engaged in taking the deposition.

Q. Do you mean by your testimony in this case to try to create the impression that the contestant was trying to hold a secret court in the taking the depositions in this case?—A. I am not trying to create any impression, but simply answering the questions to the best of my knowledge as asked by the attorneys.

Q. Did you, as secretary of the executive committee, have charge of Democratic headquarters and the disbursement of the campaign funds in 1898?—A. I did.

Q. About how much funds did you have?—A. I didn't keep an accurate account of all the funds that came in but paid them out from time to time as occasion demanded. The amount, I suppose, aggregated in the neighborhood of \$300.

Q. How much of this fund was raised in Union County and how much of it was furnished by Mr. Simmons, chairman of the Democratic executive committee?—A. All the money I received was given me by citizens of Union County. I don't know anything about Mr. Simmons; he did not give me any money. It takes very little money to run a campaign in Union County.

Q. If \$300 was all the campaign fund you had, you didn't have many as liberal citizens as Mr. Heath and Mr. Stevens that contributed \$25 apiece, did you?—A. No; very few. I received voluntary contributions to the campaign fund in as small amount as 10 cents.

Q. Did you receive the \$25 furnished by Mr. Stevens and Mr. Heath?—A. The \$25 given by Mr. Stevens was mostly expended in beef for a barbecue at Waxhaw, and was paid to a citizen of the Populist party and did not pass through my hands. Mr. Heath's contribution, to the best of my recollection, passed through my office.

Q. So, then, you didn't have all the campaign fund that was spent, did you?—A. Nearly so. On a few occasions individuals like Mr. Stevens taken the responsibility and paid some of the expenses of their own accord.

Q. Didn't you hear Mr. Stevens swear yesterday that he furnished \$25 to the campaign fund in addition to what he spent for barbecues and other expenses of his campaign?—A. I heard Mr. Stevens say that he contributed \$25 to the campaign fund, but I didn't understand him to say that it was in addition to what he had expended for barbecues and other expenses.

Q. Didn't you hear Mr. Stevens swear that he spent more than a hundred dollars in the campaign of 1898?—A. I didn't hear Mr. Stevens swear that. I heard him say that he had additional expenses, such as naturally arise in a man's canvass of the county.

Q. So a systematic effort was made by the Democrats to raise a campaign fund in 1898, taking contributions from \$25 down to 10 cents, were there?—A. It was not at all systematic. It is always understood by the Democratic party of Union County that more or less expenses have to be met, and as a rule our people come forward and contribute to a fund for this purpose.

Q. How much liquor and what kind of other free drinks did you dispense at Democratic headquarters during the campaign of 1898?—A. There was not a drop of liquor sold or given away at our—through Democratic headquarters. It was in the summer time; good drinking water was scarce and hard to get; we kept plenty of artesian water there, and it was free to anybody who wanted to drink it.

Q. What did you do with the campaign fund you said you had?—A. It was paid out for legitimate expenses of the campaign.

Q. Did you do the paying of these colored men that Mr. Heath swore that was paid money for their services?—A. I did not, and if any colored men were paid money for their services it was done by individuals. I have no knowledge of it, and the party is not responsible for it.

Q. How much money did you have on hand at the close of the campaign?—A. Didn't have any. We had to raise a little additional to meet our expenses.

Q. You say Mr. Stevens paid his \$25 for beef and to Populist voters?—A. I didn't say anything of the kind. I said Mr. Stevens paid a part of his \$25 to a citizen of the Populist party for beef used in a barbecue. My object in using the name of the Populist citizen was to show that Mr. Stevens had no preference in buying his beef either from Populist or Democrat.

Q. Do you swear that not a cent of this campaign fund was used for the purpose of influencing voters in the election of 1898?—A. There was not from our office, and if there was any outside, I have no knowledge of it.

Q. What kind of a circular was that issued by the chairman of the executive committee of Union County, in which the word "shotgun" was used in some connection?—A. It was the policy of the Democratic party of Union County and the instructions from our chairman and the executive committee that in all of our meetings in the county to invite all political parties, regardless of politics and former affiliations, to be present, and that no abuse, nor insults, nor offenses be offered, either personally or as a party; and this circular that you refer to had no tendency to frighten, scare, or intimidate anyone.

Q. Was there a circular issued by the chairman of the executive committee of Union County in which the word "shotgun" appeared?—A. I think there was, but there was no threat attached in that circular.

Q. Have you one of those circulars in your possession?—A. I have not.

Q. What is S. M. Secrest's character bad for?—A. I swore that Mr. S. M. Secrest's character was bad generally, not specifically.

Q. Name the things that S. M. Secrest's character is bad for.—A. For veracity, untrustworthy, and he is of a low, vulgar, dirty nature.

Q. Who did you ever hear say that they wouldn't believe S. M. Secrest?—A. Eber Helms, Frank Crook, Bob Alexander, and don't care to name any others.

Q. If you know of any others, name them.—A. I have already declined to name others.

Q. What do you mean when you say he is a man of low and vulgar nature?—A. I mean that in his conversation he employs the very dirtiest and vulgar language he can use to express himself; that he has not proper respect for his person, and goes very indecent a great deal of his time.

Q. So you mean that he goes about through the country with the private parts of his person exposed?—A. I do not mean anything of this kind. I mean that he does not bathe or change his clothes until he becomes offensive.

Q. Are these parties that you have named as having heard say that they wouldn't believe S. M. Secrest men of good character?—A. They are not the best, but I could not give them a bad character; neither could I give them a good one.

Q. So, then, your reason for swearing that S. M. Secrest is a man of bad character is because you heard three men, whose character you can not say is good, say they would not believe S. M. Secrest, and because he don't wash to suit you, is it?—

A. No, sir; that is not my reason, and I have not so stated. I said his general character was bad, and declined to give the names of others who said they would not believe him, for reasons best known to myself.

Q. So you swear that your neighbor's character is bad, and when called upon for the name of a man who you have heard say it was bad, who can prove a good character himself, you fail to furnish a name, and dodge the answering of the question by declining to answer for reasons best known to yourself?—A. I have not declined to answer this question, but I do not propose to jeopardize the interest of some of the best citizens of Union County by bringing their names in connection with this man.

Q. Haven't you failed to give the name of a single man that has a good character himself that you ever heard say S. M. Secrest was a man of bad character?—A. In answer to this question I refer you to my answer where I gave the character of the men that said they would not believe him.

Q. Didn't you swear that you couldn't say that the character of the parties whose names you gave was good?—A. I answered it that they were not the best.

Q. Can you say that their character is good?—A. I have already said that they were neither good nor bad.

Q. Do you mean to say that you don't know these men's characters?—A. No, sir; I don't mean to say anything of the kind.

Q. So then you do know their character?—A. I do.

Q. Then why can't you state whether it is good or bad?—A. Because it is neither, or it can be termed both.

Q. Don't you think when a man swears that a man's character is bad, that he ought to be able when called upon for the name of the parties who said it was bad, to give the name of some party you heard say it was bad, that can himself prove a good character?—A. I do not when it is detrimental to the interest of the man he names.

Q. You and Mr. Secrest belong to different political parties, do you not?—A. We do, but we are on friendly terms, and his character has nothing to do with our politics.

J. D. PARKER.

Sworn to and subscribed before us, March 31, 1899.

M. L. FLOW, *Notary Public*.

J. W. STEEN, *Notary Public*.

We, M. L. Flow and J. W. Steen, notaries public, residents in the Sixth Congressional district of North Carolina, do hereby certify that the foregoing are depositions of W. C. Heath, Charles Huntley, Winmon Helms, J. J. Cox, R. H. Howie, James M. Tomberlin, M. C. Austin, R. L. Stevens, Henry McWhorter, V. T. Cheers, C. N. Simpson, John D. Parker, and B. F. Richardson, witnesses for contestee, together with the questions proposed by the attorneys, and reduced to writing in the presence of said notaries public and in the presence of the attorneys for contestant and contestee, taken in the above-entitled cause before us on the 28th, 29th, 30th, and 31st days of March, A. D. 1899, in the town of Monroe, in the court room of the courthouse of Union County, N. C., and that prefixed to said depositions is a true copy of the notice of contest and of the answer, and that the notice to take said depositions, with the proof of the service thereof, and a copy of the subpoenas served on the witnesses therein named, are attached to said depositions.

Witness our hands and notarial seals this the 31st day of March, A. D. 1899.

[S.M.]
[P.E.]

M. L. FLOW, *Notary Public*.
J. W. STEEN, *Notary Public*.

TESTIMONY IN REBUTTAL.

JOHN D. BELLAMY, *Contestee, Wilmington, N. C.*

SIR: You will take notice that I will proceed to take rebuttal testimony in the above-entitled cause at Maxton, in Robeson County, in said district, at the office of J. D. Jowers, esq., on Patterson street, before J. D. Jowers, notary public, beginning at 10 o'clock a. m. on Wednesday, the 12th day of April, 1899, and continuing from day to day, if necessary. I will examine the following witnesses, namely: J. C. McCaskill, Maxton, N. C.; W. S. McNair, Maxton, N. C.; W. J. Currie, Maxton, N. C.; Angus Shaw, Maxton, N. C.; Jas. P. Smith, Maxton, N. C.; Jordan McNair, Alma, N. C.; Nelson Lockleir, Alma, N. C.; Robert Adams, Maxton, N. C.; D. E. McBryde, Millprong, N. C.; James McCormick, Duffie, N. C.; John G. Brown, Red Springs, N. C.; John Bateman, Wakulla, N. C.; John A. Campbell, Floral College, N. C.; John Walker, Floral College, N. C.; J. P. Patterson, Alma, N. C.; Neill McRae, Wilksville, N. C.; J. Luther McLean, Maxton, N. C.; Louis Lilly, Wakulla, N. C.; Frank McLean, Maxton, N. C.

OLIVER H. DOCKERY,
Per B. F. McLEAN, *Attorney.*

APRIL 7, 1899.

The contestant proceeds to take evidence in rebuttal of the evidence taken by the contestee in the above-entitled cause before John D. Jowers, notary public named in the notice of the contestant, with whom is associated C. B. Skeppen, notary public, at the request of the contestee, the contestant being present and represented by his counsel, B. F. McLean, and the contestee by his counsel, A. W. McLean, at Maxton, N. C., in said district, proceeds, according to notice duly served and returned, to take the deposition of the following-named witnesses on the part of the contestant, in rebuttal, as aforesaid. The contestee, J. D. Bellamy, by his counsel, A. W. McLean, again objects to the taking of testimony in this cause, upon the grounds heretofore stated in the record.

JOHN C. McCORKILL, being duly sworn, deposes and says:

Q. Where do you live and where did you live on the day of the election held in November, 1898, for Congressman in the Sixth Congressional district of North Carolina?—A. At Maxton, N. C.

Q. How long have you resided in Maxton?—A. Over thirty years.

Q. Were you in Maxton during the campaign preceding the election held on November 8, 1898, and on the day of said election?—A. I was in Maxton, N. C.

Q. Was it quiet and orderly in Maxton on the day of the election held November 8, 1898?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. It was in the morning, but not so in the evening.

Q. At what time in the day on the day of said election did this disorder commence?—A. I do not remember, exactly; about noon or just after noon.

Q. Was there an unusual amount of shooting in hearing of your residence in the town of Maxton for several nights just preceding the election held in November, 1898?

(Objection by counsel for the contestee as incompetent and irrelevant.)

A. Yes, there was; my impression is there was some shooting, but not as much as there was about Christmas.

Q. Did you hear considerable shooting on Sunday night between midnight and day just preceding the said election?—A. If I did, I don't recollect it now.

Q. How much of the day of November 8, 1898, on which said election was held, were you on the streets of the town of Maxton?—A. I think I was about the polls most of the day when the election was held.

Q. Where were you during the time that the votes were being counted by the judges of election after the closing of the polls at said election?—A. I was part of the time at my house and part of the time in the hall where the votes were being counted.

Q. Was it quiet and orderly in the hall where the votes were being counted during the time you were there?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. There was considerable noise kept up by some boys.

Q. Were there any men in the crowd that kept up this noise?—A. I think there were some grown young men in the crowd that kept up this noise.

Q. Was there any cursing or abusing of anyone during this disorder that you speak of as having occurred in the hall during the counting of the votes on the night of November 8, 1898?—A. I don't recollect about any cursing; there was a good deal of guying carried on by the boys.

Q. Did you see a man with a gun in the hall before referred to during the counting of the ballots on the night of the 8th of November, 1898?

(Objected to as irrelevant by counsel for contestee.)

A. Not that I can recollect of.

Q. What was the cause of this disorder on the day of election that you have before referred to, in November, 1898?—A. I don't know.

Q. Do you know anything about a shipment or shipments of Winchester rifles or pistols to the town of Maxton during the campaign preceding the election held in November, 1898?—A. I do not.

Q. Do you know anything of the running of negroes in the town of Maxton on the day of the election held in November, 1898?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. I know that the boys were frolicking, and I saw a negro run into an alley.

Q. Was there any shooting about or near this negro that you saw running?—A. I heard some pistol shots.

Q. Were the parties who were chasing this negro clothed in red shirts?—A. I don't remember about that.

Q. From what direction was this negro running when you saw him?—A. He was running into an alley from the street.

Q. Was he coming from the direction of the polls where the election was being held when you saw him enter the alley?—A. He was not.

Q. Was there a crowd of men and boys clothed in red shirts on the streets of Maxton on the day of the election held in November, 1898?

(Objected to as irrelevant by counsel for contestee.)

A. Yes, there were some wearing red shirts and some were not.

Q. Did you have a son on the streets of Maxton that day wearing a red shirt?—A. I don't remember whether it was a red shirt or not. He had on some kind of a red scarf.

Q. Did you have any conversation on the day of the election held in November, 1898, with anyone in regard to the disorder that was being carried on in the town on that day?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. I recollect that myself and another party had some conversation in regard to having the shooting stopped, and a party spoke to me about the same matter in the evening, and I told him that the boys had been stopped.

Q. Was there an agreement that negro voters should be kept from the polls?—A. I had no such an agreement, and I know of no such agreement. While this fussing was going on negroes came up and votes as free as they ever did.

Q. Did you hear anything about negro voters being kept off from the polls on the day of the election held on November 8, 1898, at any time during the campaign preceding the said election on the day of said election or since the said election?

(Objected to as incompetent by counsel for contestee.)

A. I know of no voters and heard of no voters who was kept away from the polls who came to vote.

Q. Please state in your own language the nature, the degree, and by whom this frolicking that you have so many times referred to as having occurred in Maxton on the day of the election in November, 1898, and by whom it was done.

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. It was done by grown young men and boys down to little boys. They were a hollering and laughing and having a good deal of fun.

Q. Was there any shooting in the frolic?—A. There was shooting in the commencement, but it was stopped.

Q. By the representatives of what political party was this frolic carried on the day of the election in November, 1898?—A. They were mostly Democratic boys and men, and some of the Republican boys did some of the laughing.

Q. What did these men and boys whom you say caused this fuss do to create the laughter you referred to in your last answer?

(Objected to as incompetent and irrelevant.)

A. They were running up and down the streets and hollering at different times.

Q. Do you know James Campbell, colored?—A. Yes, I know Jim.

Q. Did you hear of anything that was done to James Campbell in the town of Maxton on the day of the election held in November, 1898?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. I don't know of my own knowledge, but I heard he was hurt.

Q. By whom did you hear that he was hurt?—A. I heard that he was hurt by those boys.

Q. Did you have any conversation with Mr. W. J. Currie on the day of the said election in November, 1898, in regard to the disturbance going on in Maxton on that day in November, 1898?—A. He was the party I referred to that I told that the shooting had been stopped.

Q. What conversation did you have with the said W. J. Currie on said day of election in November, 1898?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. I told Mr. W. J. Currie that the shooting had stopped.

Q. What did Mr. Currie say to you in this conversation?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. It was late in the evening when this conversation took place, when this boy Campbell had been shooting toward residences and had threatened to shoot into a crowd of boys and refused to be arrested. Currie said you older heads had better try to keep order here, that it was getting unbearable here, or something to that effect; you had better try and stop this mob here.

Q. Did you ever see as much disorder on the day of any election held in the town of Maxton as you saw on the day of the election held in November, 1898?—A. I did not on the streets of Maxton, but about the polls it was quiet and orderly.

Q. Was the disorder on the streets of the town of Maxton on the day of the election held in November, 1898, and in the hall during the counting of the ballots after the close of the polls on said day in anyway attributable to the politics at issue in said election in November, 1898?—A. Yes; I believe it was attributable to the political issues.

Q. Were you during the political campaign pending the election held in November, 1898, a member of the White Government Union?—A. I was a member.

Q. Were the men, boys, and kids you have before referred to as causing this disturbance in Maxton on the day of the election held in November, 1898, so far as you saw, members of this union?—A. I don't know; I was a member, but did not attend but two or three meetings, and don't know whose names were on the roll.

Q. Have you ever been informed by anyone that these men and boys who created the fuss in Maxton on the day of said election were members of the said union?—A. I have to my knowledge.

Q. Did you ever make any remark or remarks to anyone as to what you thought would have been the consequence had not the Democrats carried the election held in November, 1898.

(Objected to as incompetent and irrelevant and that if the question is asked for the purpose of impeaching the witness, the counsel has no right to impeach his own witness.)

A. I have made some remarks.

Q. What remark or remarks did you make, and to whom?

(Objected to as incompetent by counsel for contestee.)

A. I don't remember to whom, but I did make the remark that if the Republicans had carried the election it would have caused mobs in some sections of the State.

(Counsel for contestant here closes the direct examination.)

Cross-examined by COUNSEL FOR CONTESTEE:

Q. Was the election held in your precinct at Maxton on the 8th day of November, 1898, conducted fairly, openly, and honestly?—A. So far as I know, it was, sir.

Q. Was any qualified voter who offered to vote at your precinct at said election allowed to do so without molestation or interference?—A. They were so far as I know of or heard of.

Q. You stated in your direct examination that there was some noise and disorder in the town of Maxton on the day of said election. Did not this occur at different places in the town and not at the polls?—A. It did.

Q. Did this noise and disorder prevent any elector who offered to vote from voting at the election on that day?—A. None to my knowledge.

Q. Did not the most of this disorder that you have referred to arise from the violation of a town ordinance by a negro in a different part of the town from the voting place?—A. I think it did, sir.

Q. Did this violation of the town ordinance by this negro have anything to do with his voting?—A. No, sir; it did not.

Q. Do you know of any elector in your precinct who approached the polls or attempted to approach the polls for the purpose of voting at said election who was prevented by any violence or intimidation from doing so?—A. I do not.

Q. You stated that you had been a resident of Maxton for over thirty years. Was

not the election held on the 8th day of November, 1898, as free, as fair, as honest as any you ever knew of?—A. I was around the polls most of the day and did not see anything but good order and fair dealing.

Q. You stated that there was some noise and disorder in the town hall while the ballots were being counted on the night of the election. Was there any interference with the election officers in the discharge of their duties on that occasion?—A. There was none whatever that I saw.

Q. Do you know of any intimidation of electors that occurred in your precinct prior to or during the day of the election?—A. I know of no man that was intimidated prior to or during the election to keep him from voting.

J. C. McCASKILL.

Sworn to and subscribed before us this April 12, 1898.

[SEAL.]
[SEAL.]

J. D. JOWERS,
C. B. SKIPPER,
Notaries Public.

J. L. McLEAN, being duly sworn, deposes and says:

Q. Where do you reside?—A. About two miles north of Maxton.

Q. In what precinct do you vote?—A. In Maxton Township No. 1.

Q. Were you at the election held in Maxton precinct No. 1, for member of Congress on the 8th day of November, 1898?—A. I was.

Q. For what portion of the day of said election were you at and near the polling place in said precinct?—A. I think I got there about 10 o'clock and left about sundown.

Q. Did you make any remarks at Center Church on Sunday after the said election in regard to what was done or said in the town of Maxton on the day of said election?

(Objected to as incompetent, for the reason that any remark of the witness on Sunday after the election is wholly irrelevant to the cause and matters at issue.)

A. I don't remember having said anything.

Q. Was there any unusual amount of shooting done in the hearing of your house for four or five nights preceding the election held in November, 1898?

(Objected to as irrelevant and incompetent.)

A. I can't recall having heard any.

Q. Were you a member of the White Government Union during the campaign held in November, 1898?—A. I was.

Q. Did you hear anything about members of the union having armed themselves with Winchester rifles during the said campaign?—A. I did not.

Cross-examined by COUNSEL FOR CONTESTEE:

Q. How long have you been a resident of your township?—A. All my life, and I am 57 years old to-day.

J. L. McLEAN.

Sworn to and subscribed before us this April 12, 1898.

[SEAL.]
[SEAL.]

J. D. JOWERS,
C. B. SKIPPER,
Notaries Public.

JAMES P. SMITH, being duly sworn, deposes and says:

Q. Where do you reside?—A. I live one mile south of Maxton.

Q. In what precinct do you reside and vote?—A. In Maxton No. 1.

Q. How long have you been a resident of Maxton?—A. I moved here in October, 1872, and have been a resident ever since.

Q. Were you at the election held in precinct No. 1, Maxton Township, held for Congressman, in November, 1898?—A. I was.

Q. Were you present during the counting of the ballots at the close of the polls at said election?—A. I was.

Q. How many men from South Carolina did you see at and near the polling place in said precinct on the day of said election?

(Objected to as irrelevant by counsel for contestee.)

A. I saw one Rodgers there; they said he was from South Carolina; I did not know where he lived at that time.

Q. Did you see any men at and near the polling place in your precinct on the day of election held in November, 1898, who were said to be from South Carolina, you before referred to?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. I did.

Q. Was it quiet in your precinct during the campaign preceding the election held in November, 1898?

(Objected to for the reason that witness could not say of his own knowledge whether it was or not, and for the further reason that the question is wholly incompetent and irrelevant, by counsel for contestee.)

A. Not all the time.

Q. Did you hear any unusual amount of shooting on any night just preceding the election held in November, 1898? And if so, state when and where.—A. Well, I did hear shooting; it was in the southern part of this incorporation; not only shooting, but men hollering like wild men, on Monday night, before the election on Tuesday.

Q. Was it quiet and peaceable in the town of Maxton on the day of the said election?—A. It was not; not all day. It was quiet enough for two hours after the polls were opened; after that it reminded me more of a Christmas holiday than any day I ever saw except Christmas. The hollering, and shooting, and running to and fro is what I have reference to.

Q. Was the disorder and shooting you have referred to as having occurred on the day of the said election of the same nature that commonly occurred on Christmas holidays?

(Objected to as irrelevant and for the reason that the witness has already answered that question by counsel for contestee.)

A. By no means; I don't consider it so.

Q. Was there any intimidation of voters practiced in Maxton Township during the campaign preceding the election held in November, 1898?—A. Yes; there must have been, according to what the people told me. I saw these men with red shirts raiding around through the town and country, shooting and hollering, on the day before the election held in November, 1898.

Q. Did you ever hear anyone say why this demonstration of Red Shirts was made just prior to the election held in November, 1898?

(Objected to by counsel for contestee as incompetent.)

A. Yes.

Q. Why did they say it was done?—A. It was done to scare the negroes and other timid people, to keep them from coming to the polls on account of it; I mean by timid, some white men and negroes that were afraid to come for fear of having trouble or a fuss.

Q. Did you see any negroes in Maxton, on the day of the election, who were afraid to come—approach—to the polls?—A. I saw several that said they were. I gave them tickets and they said they were afraid to go to the polls.

(Answer objected to as incompetent for the reason that it is hearsay, and for the further reason that if any such alleged facts exist that the persons who are alleged to have been intimidated are the proper witnesses, by counsel for contestee.)

Q. Was it reported that a colored man was murdered in Richmond County adjacent to the line of your precinct just prior to the election held in November, 1898, on account of his political opinions, by red shirts?

(Objected to as wholly incompetent by counsel for contestee.)

A. I heard it.

(Answer objected to as wholly incompetent by counsel for contestee.)

Q. Did you see any new Winchester rifles prior to and during the campaign before the election held in November, 1898?

(Objected to as irrelevant and incompetent by counsel for contestee.)

A. I saw one; the man said it was a Winchester.

Q. Did you hear any remarks made by Democrats during the campaign preceding the election held in November, 1898, in regard to arming themselves?—A. I don't remember that I did.

Q. Was there any disorder on the streets of Maxton on the day of the election held in November, 1898?—A. There was.

Q. Was there any disorder on the day of election at and near the polling place in your precinct?—A. There was.

Q. State the disorder that occurred at and near the polling place in your precinct, Maxton No. 1, on the day of the election held in November, 1898, and also on the streets in Maxton on said day.—A. I was near the boxes that they voted in, and somebody reported that I had taken some tickets from a negro that went there to vote, and then gathered up a good large crowd where I was—right near me—and cursed and abused me and took hold of me and pulled me away some ten steps and ordered me to leave the place. After that I was standing near the polls when this mob came along again and cursed and abused me again, and told me if I did not leave they would make me leave. I told them that I would not leave; that they could kill me if they wanted to, but they could not scare me nor make me leave. There was a negro near the polls that had a lot of Fusion tickets in his hand. One of that crowd walked up to him and put his fist in his face and kicked him at the same time, and asked him what he was doing there. One of the crowd caught hold of the tickets that he had and tore them in two, and ordered him to leave town. He started down the street and they after him. I don't know whether they hurt him

or not; I did not see him any more that day. They cursed me all around everywhere I went. Them that did not curse would say insulting words to me.

Q. Were those men who pulled you away from near the polls and whom you saw assault the negro and tear the tickets in two that he had in his hands have on red shirts?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. I can't say that every one did, but most of them did.

Q. Did you see any other assault made on colored men during the day of said election?—A. I saw that crowd along about opposite that new store of Aug. McKinnis, and they went down through the alley and I heard some shots fired, but don't know who they were after. That is as near as I came to seeing any assault made on anybody, except those I mentioned before.

Q. Did you see anyone in the hall during the counting of the votes on the night of the election held in November, 1898, with a gun?

(Objected to as irrelevant by counsel for contestee.)

A. I don't recollect that I did.

Q. Did you see any voters on the day of the election held in November, 1898, who said that they wished to go to the polls and vote, but were afraid to do so?

(Objected to as incompetent by counsel for contestee.)

A. I did.

Q. How many did you see who so stated?—A. I saw numbers of them; I can't tell the exact number.

Q. Did any of them state to you why they were afraid to approach the polls and vote; and if so, what reason did they give?

(Objected to as incompetent by counsel for contestee.)

A. They said that they had been visited by those red shirts and ordered not to go to the polls.

(Objected to as incompetent by counsel for contestee.)

Cross-examined by COUNSEL FOR CONTESTEE:

Q. To what political party do you belong?—A. The Republican party.

Q. Were not four out of the six judges of election in your precinct in the last election Fusionist?—A. I can't tell.

Q. Was not B. F. McLeon one of the judges of election; and if so, what was his politics?—A. He was and he is a Republican.

Q. Was not H. H. Sampson one of the judges of the election; and if so, what was his politics?—A. He was one of the judges. I don't know his politics.

Q. Were not these judges of election appointed by the Fusionists in Robeson County?—A. I think they were appointed by the clerk of the court, who was a Populist.

Q. Was not the election held in your precinct in last November conducted fairly and honestly?—A. I think it was, so far as the registrars and poll holders were concerned. I think they did their full duty.

Q. Do you know of any elector who approached the polls for the purpose of depositing his ballot at the voting place in your precinct at said election who was prevented by violence or intimidation—who was prevented from doing so? And if you know of any, give their names.—A. I don't know of a one.

Q. You stated, in your direct examination, that there must have been intimidation of voters practiced in Maxton Township during the campaign preceding the election held in November, 1898, caused by men with red shirts raiding around through the town and country, shooting and hollering in the daytime on Monday preceding the election. Do you know of any elector in your precinct who was prevented by such conduct from voting on the day of election? And if so, give their names.—A. Only from hearsay; Randle Smith told me that he was; this is the only one that I remember the name of at the present time.

Q. Do you know of any of your own knowledge?—A. I know only—nothing; it is only from hearsay.

Q. You stated in your direct examination that you heard some one say that this riding about of people with red shirts was done to scare the negroes and other timid people, and to keep them from coming to the polls to vote; give the names.—A. I can't give the names, but it was a current report in Robeson and Richmond.

Q. Do you mean to swear that you heard so many make this statement that it became a current report, and yet admit that you can not give the name of even one party who made this statement to you?—A. I will not swear to anyone now, but know there was numbers of them.

Q. You swore in your direct examination that there were several white people who were so timid that they would not come to the election and vote for fear that they would get into a row at the polls?—A. I heard D. E. McBryde say so for one. I can't call any names in the township, but there was some that made that statement to me.

Q. Will you please give us the name of at least one of these parties in your pre-

cinct who were afraid to come to the polls on election day, in order that we may call them as witnesses and ascertain from them the truth of this matter?—A. Can't give any name now.

Q. You stated in your direct examination that you saw some negroes in Maxton on the day of election in last November who were afraid to approach the polls. Please give the names of the parties.—A. I don't believe I can give any names now.

Q. How many were there?—A. I am not going to say, for I don't know how many there was.

Q. Was there as many as one dozen?—A. There was that many, more or less.

Q. Was there more or less than a dozen?—A. I don't know.

Q. Was there as many as six?—A. Yes.

Q. If there was as many as six, will you please name one?—A. I can't name one.

Q. You stated in your direct examination that some parties told you that they had been visited by Red Shirts and given them orders not to go to the polls; give the names of those parties.—A. Jourdon Shaw was one; Randle Smith was another; Walter McLean was another. This is all that I will mention now.

Q. Did Jourdon Shaw vote at said election?—A. I am not positive whether he did or not. He was here on the day of election. I expect he voted. So far as I know, he did.

Q. You stated that it was reported that a colored man was murdered in Richmond County just prior to the election held in November, 1898, on account of his political opinions, by Red Shirts. Do you know this to be a fact, of your own knowledge?—A. No; only from hearsay.

Q. Who stated this fact to you?—A. I had several. Denis Patterson and Angus Currie say so, and several others.

Q. Was Denis Patterson and Angus Currie present, and if not, how did they know?—A. I don't know.

Q. You stated that you were pulled away from near the polls on the day of election, and were you not before that time requested by the judges to get away and stop interfering with voters?—A. Not that I have ever heard of before.

Q. Did any of the judges of election request you to get away from the polls on that day?—A. Not to my knowledge; I never heard of it before.

Q. Did you not interfere with a colored voter by the name of Fortune McLauchlin, and take the tickets that he had in his hands away; take them away from him?—A. I did not.

Q. You stated in your direct examination that you were cursed and abused and jerked from near the polls on election day by some parties whom you called a mob; do you know what a mob is. If so, state.—A. Lawless crowd of men and boys taking the law in their own hands.

Q. Give the names of the parties constituting this crowd whom you called a mob?—A. The old Smith and his two sons, McKinnon, jr., C. A. Burns, Frank Wootin, Bascom Croom, Charley McCorkill, and others I can't call the names of now.

Q. Do you not know that all the parties whom you named are young boys under 10 years except old man Smith, and Burns, and Frank Wootin?—A. I think they are under age, but that is not half that was in the mob.

Q. Did this crowd prevent you from voting on that day?—A. No.

Q. Did they prevent anyone who offered to vote from voting on that day?—A. I don't know whether they did or not.

Q. Are not the men and boys named by you residents of Maxton and of good character?—A. So far as I know they were all residents of Maxton at that time; I don't know as to their characters.

Q. Will you swear that their characters are not good?—A. I don't know; I don't know their characters.

Q. You stated that this crowd hit and kicked a negro at the same time they cursed you. Who was this negro?—A. J. C. Kemp, I think, is his name.

Q. Did this man, J. C. Kemp, vote on that day?—A. I do not know.

Q. Have you not a good deal of political feeling in this case?—A. I have not.

Q. Have you not been very busy getting up the witnesses for Dockery in this case?—A. I have summons everyone of them, I reckon, in Robeson County, after the summons were placed in my hand.

Q. To what political party does O. H. Dockery belong now?—A. The last time I heard him express himself in regard to politics he was a Republican.

Q. Did he not run for lieutenant-governor in 1896 on the Populist ticket in opposition to the regular Republican nominee?—A. I could not say positively; I don't remember how it was; I have not been thinking about it.

Q. Did you not hear him make a speech on the cotton platform in this town in the campaign of 1896 as a candidate for lieutenant-governor on the Populist ticket? (Objected to by counsel for contestant as irrelevant.)

A. Saw him here on the platform sometime during the fair; I don't know whether it was in 1896 or not.

Q. Did not O. H. Dockery change in the campaign of 1896, when D. L. Russell cheated him out of the nomination for governor of North Carolina?—A. I don't know when he changed.

JAS. P. SMITH.

Sworn to and subscribed before us this April 12, 1899.

[SEAL.]
[SEAL.]

J. D. JOWERS,
C. B. SKIPPER,
Notaries Public.

W. J. CURRIE, being duly sworn, deposes and says:

Q. Where do you reside?—A. In Maxton, N. C.

Q. How long have you resided in Maxton?—A. About twenty-nine years, in what is now Maxton.

Q. What was your voting precinct at the election held in November, 1898?—A. Maxton precinct No. 1.

Q. Were you at or near the polls in said precinct during the day of said election, and were you present at anytime during the counting of the ballots cast at said election?—A. I was at the polls; some of the time near the polls; most of the day I was about the post-office; I was where the ballots were being counted for a few minutes; on account of the language being used I left and went home.

Q. Was it quiet and orderly near the polls on the day of said election?

(Objected to as irrelevant by counsel for contestee.)

A. When I was there it was quiet some of the time; I saw some disturbance; I saw some things that I thought was intended for the intimidation of voters.

(Objected to by counsel for contestee as irrelevant, and expression of opinion, and incompetent.)

Q. Was it quiet and peaceable on the streets of the town of Maxton during the day of the election held in November, 1898?

(Objected to as irrelevant by counsel for contestee.)

A. It was in the forenoon, mainly; in the afternoon the town seemed to have been turned over to a mob.

Q. Did you see any disturbance near the polls at the election held in November, 1898, at your precinct; and if so, state what it was.—A. I don't recollect seeing but one right at the polls; in the forenoon some parties jerked Mr. J. P. Smith backward from near the polls.

Q. Was Mr. J. P. Smith at the polls when this occurred?—A. He was standing near the polls, and, I think, distributing tickets.

Q. What did you see done and hear said to James P. Smith at this time?—A. I don't recollect what was being said; I saw several parties around him and pulling him backward.

Q. Were these parties whom you saw pulling Mr. Smith backward supporters of the contestee, John D. Bellamy, for Congress, and were any of them clothed in red shirts?

(Objected to as incompetent by counsel for contestee.)

A. I suppose they were supporters of John D. Bellamy for Congress; they were all wearing red shirts.

Q. Can you name any of the parties whom you saw pulling Mr. J. P. Smith back from near the polls at the election held in November, 1898? And if so, name them.—A. There was a good deal of confusion at that time; I saw standing right at Mr. Smith, with their hands on him, I can't say pulling, G. B. Sellers, Bascomb Croom; I do not recollect others.

Q. Were W. B. Hanker, A. C. McKinnon, W. H. Bishop, J. S. Smith, M. G. McKinzie, and others in the crowd you saw surround Mr. J. P. Smith at the time mentioned?

(Objected to as incompetent in the form in which it is asked, and for the reason that the witness has already stated that he has named all the parties that he knew, by counsel for contestee.)

A. I remember seeing Mr. Hanker, and A. C. McKinnon, M. G. McKinzie, J. S. Smith, and several others surround Mr. J. P. Smith.

Q. Did you have any conversation with a leading Democrat of this town preceding the election held in November, 1898, in regard to the white men arming themselves?

(Objected to as wholly incompetent by counsel for contestee.)

A. I did; with Mr. W. S. McNair had such conversation.

Q. Give the substance of this conversation with Mr. W. S. McNair.

(Objected to as incompetent by counsel for contestee.)

A. We were talking about the political situation in this State when he remarked that it had become very critical and that he thought there was great danger; that the negroes would commit depredations; that it was the duty of the white folks to arm themselves, and that they had done it. I then asked him if the negroes that he knew in this part of the country want as peaceable and quiet as they ever had been.

He admitted that they were. I asked him further if they was not more quiet than usual. He said he did not know as to that. I asked him further if the danger to the community had gotten to such a state as he described, was it not the duty of the governor to call out the soldiers or troops to protect the lives and property of the people. He said it was not; they could protect themselves.

(Answer objected to as hearsay and incompetent by counsel for contestee.)

Q. Did you hear any unusual amount of shooting in your precinct for four or five nights preceding the election held in November, 1898?

(Objected to as irrelevant by counsel for contestee.)

A. There was a good deal of shooting for four or five nights preceding the election. The night before the election great deal of shooting, lasting nearly all night. It was a bad night.

Q. Did you hear any shooting in your precinct on Sunday night preceding the election held in November, 1898?—A. I heard some shooting on Sunday night.

Q. How far do you live from Mr. J. C. McCaskill?—A. About one-fourth of a mile.

Q. Did you see any disorder on the streets of Maxton on the day of the said election? If so, state what was the nature of it.

(Objected to as irrelevant by counsel for contestee.)

A. I did. There was a great deal of disorder from 12 o'clock on through the whole of the day. There was squads of men and boys who seemed to be stationed at the street crossings, who had on red shirts, whose business it seemed to be to turn back or run off every colored man who was coming to town, using on them clubs, brickbats, and shooting at them as they run. One or two of the colored men did not run, but they forced them to go back.

Q. Did you have any conversation during the day of said election in regard to this disorder with a prominent Democrat of the town; and if so, with whom?

(Objected to as incompetent by counsel for contestee.)

A. I did; with Mr. J. C. McCaskill. Late in the afternoon I went to him and told him that the town seemed to be completely turned over to a mob, and asked him to use his influence to sustain order. He told me that he did not approve of some things that were then being done, but that he was powerless to stop it. Then, after some little consideration, "This conflict has to come at sometime, possibly as well now." Then I left him.

(Answer objected to as incompetent by counsel for contestee.)

Q. What position do you hold in the town of Maxton?—A. I am postmaster. Q. Are you an officer in the Presbyterian Church in the town of Maxton; and if so, what office do you hold?—A. I am an elder in the Maxton Presbyterian Church.

Q. Did you see any of the squads of men and boys you have before referred to, turn back, attempt to turn back, or assault or attempt to assault any colored men on the day of the election held in November, 1898?—A. Yes.

Q. If you can, give the names of the colored men referred to in your last answer and of the parties who composed the squads who turned them back.—A. There was several I did not know, but I saw James Campbell, Henry McPhaul, and Sandy McKay, Jourdan McNair, and others whose names I do not remember just now; I don't remember who all was in the squad. I saw Henry Smith, T. L. Smith, W. H. Bishops, Charles Ivery, M. G. McKinzie, J. P. Wiggins, and several others whom I don't recall just now.

Q. What was these squads doing to the colored men you have referred to when you saw them?—A. Some of them were running along after them with short sticks in their hand, and some of them were throwing brickbats, and some were striking them with boards; some were shooting.

Cross-examined by COUNSEL for CONTESTEE:

Q. To what political party do you belong?—A. To the Republican party.

Q. You stated in your direct examination that you knew of some disorder in the town of Maxton on the day of election. Do you know of any elector who approached the polls on that day for the purpose of casting his ballot at said election who was prevented by violence or intimidation from doing so? And if so, give their names.—A. I saw no one offer his ballot and be prevented, but several told me just prior to the election and after that they would not vote, and did not vote; I saw one voter who said he was afraid.

Q. Give the names of the voters who told you that they were afraid to vote at said election?—A. I don't recall all the names just now, but Julius Grimes told me that he would not vote, for he had been threatened and he was afraid; H. W. MacKey showed me a letter signed by Regulators and threatening him that if he voted he would be attended to that night, and asked me what he had better do about it; I told him if he was afraid possibly he had better not vote; this is all I remember just now.

Q. Did Julius Grimes vote at said election?—A. I don't know.

Q. Did H. W. MacKey vote at said election?—A. I don't know.

Q. You stated in your direct examination that you saw some parties pull Mr. J. P.

Smith backward from near the polls; do you not know that he was told to get away from the polls after he had voted by some of the judges of the election?—A. I do not know.

Q. Was not G. B. Sellers, one of the parties whom you say you saw pulling Mr. J. B. Smith from near the polls, a judge of election?—A. I did not say that I saw Mr. Sellers pulling Mr. Smith, but when I saw Mr. Sellers he had his hand on Mr. Smith, but whether he had been pulling Mr. Smith I could not say; I don't know whether Mr. Sellers was a judge of the election or not.

Q. Were not four out of the six judges at the said election Fusionists?—A. I do not recall who were the judges of the election, but suppose they were Fusionists (four out of the six).

Q. You stated in your direct examination that there were squads of men and boys who seemed to be stationed at the street crossings, whose business it seemed to be to turn back or run off every colored man that was coming to the town, using on them clubs, brickbats, and shooting at them. State at how many street crossings you saw this; the number of and names of colored men you saw thus treated, and whether or not they were qualified electors in your precinct?—A. I saw them at one crossing—at the intersection of Patterson, Central, and Main streets; there were seven whose names I do not now recall, but I saw them running—Henry McPhaul, Sandy McKay, Jourdon McNair, and others I don't remember; of my own knowledge I don't know whether they were qualified electors or not of the precinct.

Q. Were there as many as ten of these colored men you saw thus treated?—A. I did not keep any account; I think there was more than ten.

Q. Was there as many as fifteen of these colored men that you saw thus treated?—A. I don't know.

Q. Will you swear that either one of these colored men offered or attempted to vote on that day?—A. Of my own knowledge I don't know.

Q. Do you not know that white and colored voters cast their ballots at said election in your precinct?—A. They did in the forenoon; I was not there in the afternoon—at the polls.

Q. You stated in your direct examination that there was some disorder in the hall where the ballots were being counted after the polls had been closed; was this done as to prevent the election officers from counting the ballots as they were cast?—A. I can't say whether it did or not; I know if it was me I could not do it correctly with so much fuss around.

Q. Was there any attempt to prevent the election officers from counting the ballots while you were there; and if so, by whom?—A. Nothing more than a tremendous fuss; I saw no overt act to prevent the counting.

Q. Do you know that any of the alleged assaults which you say you saw made on colored men by certain parties named by you at a street crossing in the town of Martin were made for the purpose of preventing voters from voting?—A. Of my own knowledge I don't know.

Q. Did not this alleged conduct occur in a different part of the town from where the voting was done?—A. It was at the entrance of the street that led to the voting place.

Q. How far was it from the voting place?—A. It was about one block away, or 100 yards.

Q. Are not the men whom you say engaged in this assaulting of colored men and named by you residents of the town of Martin and citizens of good character?—A. Most of them are citizens of the town of Martin and citizens of good character.

Q. Do you mean to charge these men with violations of law?—A. They were on that occasion engaged in the violation of the law.

Q. Did you make any attempt to have them punished or indicted for violating the law?—A. No, sir; I tell them for those whose duty it was, as well as private citizens.

Q. Do you not know that it is the duty of every good citizen to see that violators of the law are brought to justice and prosecuted?—A. In a certain sense it is, but a special duty of others—officers, for instance.

Q. To what political party does O. H. Dockery belong?—A. I think he calls himself a Silver Republican.

Q. Did he not run for lieutenant-governor on the Populist ticket in 1896, in opposition to the regular Republican ticket?—A. I think he did.

Q. Has he not the reputation of charging his political opponents with cheating him?—A. I have seen such charges to have been made by him in Democratic papers.

Q. Did he not charge that D. E. Russell abused him out of the nomination for governor in 1894?—A. My answer is the same as above; I saw the charge attributed to have been made by him in Democratic newspapers.

W. J. CURRIE.

Sworn to and subscribed before us this the 13th day of April, 1899.

[SEAL.]
[SEAL.]

J. D. JOWERS,
C. B. SKIPPER,
Notaries Public.

JOHN BATEMAN, being duly sworn, deposes and says:

Q. Where do you reside?—A. At Wakulla.

Q. What was your voting precinct at the election held in November, 1898?—A. It was Smiths No. 2.

Q. Do you know S. Z. Bateman; and if so, what relation is he to you?—A. He is my father.

Q. Witnesses for the contestee, John D. Bellamy, swear that you were prevented from voting by your father, S. Z. Bateman, at the election held in your precinct in November, 1898; is this so?—A. No, sir.

Q. Did you vote at said election; and if so, did you vote as you chose?—A. Yes; I voted as I chose to vote.

Q. Did you reside with your father, S. Z. Bateman, at the time of said election?—A. Yes, sir.

Q. Where do you now reside, and where have you resided since the day of said election?—A. With my father all the time.

Q. Did you hear any shooting at night in your precinct just preceding the election held in November, 1898?

(Objected to as irrelevant by counsel for contestee.)

A. Yes, sir; I heard a good deal of shooting.

Q. Did you see anyone at the voting place in your precinct on the day of the election held in November, 1898, with a Winchester rifle?—A. Yes, sir.

Q. Did you hear of any intimidation of voters in your precinct on the day of the election held November, 1898, or in the campaign just preceding the said election?

(Objected to as incompetent and hearsay by counsel for contestee.)

A. On Saturday before the election my father received a letter out of the post-office stating that he had better hunt him a hiding place until after the election was over, and that if he was on the election grounds the day of the election it would not be good for him.

Q. Have you a brother by the name of Will Bateman?—A. Yes, sir.

Q. Witnesses for the contestee swore that Will Bateman was prevented from voting at the election held in November, 1898, by your father, S. Z. Bateman; is this true?—A. No, sir; it is not.

Q. Why did Will Bateman not vote at the last election, held in November, 1898?—

A. Because he was not old enough.

Cross-examined by COUNSEL FOR CONTESTEE:

Q. To what political party do you belong?—A. I belong to the Democratic party; I voted for O. H. Dockery and J. D. James; the balance of my ticket was Democratic, mixed.

Q. Was the election held in your precinct, held on the 8th day of November, 1898, conducted fairly, openly, and honestly?—A. Yes, sir; everything was fair.

Q. Was every elector who offered or attempted to vote at your precinct at said election allowed to so without molestation or interference?—A. Yes, sir; everybody voted that wanted to.

Q. You stated in your direct examination that you saw some one have a Winchester rifle; did the party who had this rifle try to prevent any elector from voting at said election?—A. I went with the party from near my home to the election.

Q. Do you know of any elector in your precinct who was prevented in any manner from attending the election and voting as he chose?—A. No, sir; but when we walked up some one spoke and said, I believe I will leave; I am scared of that man with the Winchester. Some one walked off; I don't know of anyone being intimidated or prevented from voting.

JOHN BATEMAN.

Subscribed and sworn to before us this 13th day of April, 1899.

[SEAL.]
[SEAL.]

JOHN D. JOWERS,
C. B. SKIPPER,
Notaries Public.

JOHN WALKER, being duly sworn, deposes and says:

Q. In what precinct in Robeson County do you reside?—A. Wakulla, Smiths No. 2, Township.

Q. How long have you resided in Smiths Township?—A. I have been there all my life.

Q. How old are you?—A. I am 32 years old.

Q. Did you hear any unusual amount of shooting in your precinct in the night-time just preceding the election held in November, 1898?

(Objected to as irrelevant and immaterial by counsel for contestee.)

A. I did on Monday night before the election.

Q. Did you attend the election held on November 8, 1898, in your precinct?—A. I did.

Q. Did you see anyone at or near the polling place in your precinct with a Winchester rifle?—A. I did not; it was late in the day when I got to the election, and I did not stay there long.

Q. Did you receive any message in regard to how you should vote just preceding the said election?—A. I did.

Q. From whom did you receive this message, and what was it?—A. Mr. George Hall, from Red Springs, sent word by my brother Dougald, from Lumberton, that "If I did not go to the election and vote right we will make it so hot for you that you can't stay at home."

Cross-examined by COUNSEL FOR CONTESTEE:

Q. You went to the election and voted right, did you not?—A. I voted as I pleased; what I called right.

Q. Was the election held in your precinct, held on the 8th day of November, 1898, conducted fairly, openly, and honestly?—A. It was while I was there and so far as I know.

Q. Was any elector who offered or attempted to vote at said election allowed to do so without interference or hindrance?—A. They all voted that wanted to while I was there.

Q. Do you know of any elector in your precinct who was intimidated or prevented from voting in any way at said election?—A. I do not know of any.

J. L. WALKER.

Subscribed and sworn to before us this the 13th day of April, 1899.

[SEAL.]
[SEAL.]

JOHN D. JOWERS,
C. B. SKIPPER,
Notaries Public.

JOHN A. CAMPBELL, being duly sworn, deposes and says:

Q. Where do you reside?—A. I live in Smiths Township, Robeson County, N. C.

Q. How long have you resided there?—A. About fifty-four years.

Q. Was there any intimidation of colored voters in your precinct during the campaign preceding the election held in November, 1898?

(Objected to as too general by counsel for contestee.)

A. I don't know of any intimidation; but there was several colored people who did not stay at their homes at night because they were afraid to. I know this of my own knowledge, and not from what anybody told me—I mean by this three, four.

Q. In what precinct in Smith Township were you a voter at the election held in November, 1898?—A. Precinct No. 2.

Q. Were you one of the judges at said election in said precinct?—A. I was one of the registrars.

Q. Did you see John Bateman vote at the election in November, 1898, in said precinct?—A. Yes, sir.

Q. Was his father, S. Z. Bateman, present when he, the said John Bateman, voted?

(Objected to as immaterial and irrelevant by counsel for contestee.)

A. Yes; he was present.

Q. Was he, the said S. Z. Bateman, also one of the judges of election in said precinct at said election held in November, 1898?—A. Yes, sir; he was one of the judges.

Q. Did all the colored voters who were registered in your precinct vote at said election?

(Objected to for the reason that the registration books are the best evidence, and therefore incompetent.)

A. No, sir.

Q. How many of them failed to vote?

(Objected to as incompetent for the reason that the registration and poll book are the best evidence of the facts.)

A. There was between 27 and 35 registered voters, white and colored, who failed to vote—the most of them were colored—five-sixths of them were colored.

Q. What does the law require of registrars in regard to revision of registration books in North Carolina preceding an election where no new registration is ordered?

(Objected to as incompetent by counsel for contestee.)

A. The law requires the registrars to meet at the precinct at a certain time at 9 o'clock and keep the books open until 4, and register all electors who are 21 years who have lived in the county ninety days and the State twelve months. We continue for four Saturdays.

Q. In the revision of the registration books in each precinct, just prior to each election, is the names of those died, moved off, or otherwise become nonvoters in precincts, so far as they are known to the registrars, erased from the books?—A. Yes, sir.

Cross-examined by COUNSEL FOR CONTESTEE:

Q. To what political party do you belong?—A. I belong to the Populist party.

Q. What is a Populist?—A. Majority of a certain class of people.

Q. A majority of what class of people?—A. The common people.

Q. What are the principles of the Populist party, if they have any?—A. Free silver; opposition to national banks.

Q. Does Oliver H. Dockery, this contestant, for whom you voted to represent you in Congress represent these principles?—A. I did not vote for him.

Q. You stated in your direct examination that you knew, of your own knowledge, that there were three or four colored people in your neighborhood who did not stay at their houses at night because they were afraid. How could you know this of your own knowledge unless you were at their houses at the nights mentioned?—A. On the 7th of November I went to the houses of those negroes and found that they were not there. I went back before day and they were still not there. They afterwards stated to me that because they were afraid to stay at home. I don't know of my own knowledge.

Q. Is this the only time you ever went to the houses of negroes and found them not at home at other times than preceding an election?—A. Yes; I have.

Q. Is it not a common occurrence for some negroes to be away from their homes at night?—A. Yes.

Q. You stated that you were present at your voting place in your precinct all day as one of the judges of election. Was said election conducted fairly, openly, and honestly?—A. It was.

Q. Were not four out of the six judges Fusionists?—A. Yes.

Q. Was every elector who offered or attempted to vote at your precinct on the day of said election allowed to do so without molestation or interference?—A. Yes; they were.

Q. Do you know of any elector who was prevented from voting as he chose?—A. I do not.

Q. You stated that there was between 27 and 31 voters registered in your precinct who failed to attend the election; and did any one of them offer or attempt to vote on that day?—A. No, sir.

Q. Can you swear how any one of those who did not attend the election would have voted for Congressman if they had attended the said election?—A. Can not.

Q. You stated that you were a Populist, but that you did not vote for O. H. Dockery. Why was this?—A. I did not vote for him because I did not like him; I did not vote for Bellamy either.

Q. Was not said O. H. Dockery distastful to a good many Populists like yourself as a candidate for Congress?—A. I do not know.

Q. You stated in your direct examination that the law required the registrar to erase from the registration books the names of registered electors who had died, moved away, or in any other way become ineligible in the precinct, so far as they were known to the registrars themselves. Do you not know that the registrars have no right to erase a name from the book unless application is made to them to do so?—A. No; my impression is that the registrars should erase all that were dead or moved out of the county.

Q. What did you do with the names of those when the fact of their becoming ineligible was not known to you?—A. We left them on the books.

J. A. CAMPBELL.

Subscribed and sworn to before us this the 13th day of April, 1899.

[SEAL.]
[SEAL.]

JOHN D. JOWERS,
C. B. SKIPPER,
Notaries Public.

ROBERT ADAMS, being duly sworn, testifies as follows:

Q. Where do you live?—A. I live just outside the incorporation, below St. George's Church, on the new road.

Q. In what township in Robeson County do you live, and how long have you lived in Maxton Township?—A. I have lived in Maxton Township about twenty-one years.

Q. Was there any shooting at or near your house on any night just preceding the election held in November, 1898?

(Objected to as immaterial and irrelevant by counsel for contestee.)

A. Yes, sir; there was.

Q. On what night was this shooting done?—A. It was on Monday night before the election next day, Tuesday.

Q. How much shooting was done on that particular night at or near your house?—A. I could not tell you how much; it seemed like the bottom had fell out; four shots hit my house; fifty or sixty shots were made in front of the door; four hit the house.

Q. Was there any shooting done on the same night at or near other houses in your vicinity?—A. Yes, sir; there was.

Q. Do you know by whom this shooting was done?—A. I do not know; I was on the inside of the house.

Q. Was any remarks made at the time of the shooting by anyone who done the shooting?

(Objected to as incompetent for the reason that the witness has already stated that he did not know the parties who did the shooting.)

A. Did not hear any remarks made; I only heard the shooting and heard the balls hit the house.

Q. Were any threats made to you at any time in regard to going to the election held in November, 1898?—A. No, sir; nobody never made any threats to me.

Q. Why was your house shot at on Monday night preceding the election held on Tuesday?

(Objected to as incompetent by counsel for contestee.)

A. No, sir; I don't know why it was done.

Q. Did you ever hear anyone say why it was done?

(Objected to as wholly incompetent by counsel for contestee.)

A. No, sir; not in particular; I never heard anyone say why it was done.

Q. To what race do you belong?—A. I am a colored man and belong to black race.

Q. To what race did the other people in your vicinity whose houses you say were shot at on Monday night preceding the election held in November, 1898, belong?

(Objected to as immaterial by counsel for contestee.)

A. They belong to the black race.

Q. Were any colored voters scared by this shooting?

(Objected to as incompetent by counsel for contestee.)

A. Some of them said they were scared.

Q. Were you scared on account of this shooting?—A. It frightened me a little to hear so much shooting right at my house and the balls hitting the house.

Q. Did not a number of colored men tell you on the day of the election held in November, 1898, that they were afraid to attempt to go to the polls and vote?

(Objected to as incompetent by counsel for contestee.)

A. There were some who said so.

Q. Did you see any colored men run or abused by men with red shirts on on the day of said election?—A. I never saw nary one.

Q. Did you hear any colored man say that he was run or abused in anyway on the day of said election by men with red shirts on; and if so, who did you hear say so?

(Objected to as incompetent by counsel for contestee.)

A. I heard Henry McPhaul and James Campbell say so.

Q. Have red shirts, worn in the way they were during the political campaign preceding the election held in November, 1898, a reputation that makes them a terror to colored people?

(Objected to as incompetent by counsel for contestee.)

A. Yes, sir; it is.

Q. Did you see any of the men who wore red shirts during the campaign and on the day of the election at any time have Winchester rifles?

(Objected to as incompetent by counsel for contestee.)

A. I saw them after the election, but I did not see them on the day of the election or during the campaign.

Cross-examination by COUNSEL FOR CONTESTEE:

Q. To what political party do you belong?—A. I belong to the Republican party.

Q. Who ran for Congress on the Republican ticket?—A. O. H. Dockery; I don't remember the other man's name.

Q. How many ran for Congress on this ticket?—A. I don't know; I never saw the tickets.

Q. What are the principles of the Republican party, to which you belong?—A. The principles of the Republican party are to vote for legal rights at the ballot box.

Q. What are these legal rights?—A. That a man to have fair insurance at the ballot box.

Q. Who are the President and Vice-President of the United States?—A. I can't call their names.

Q. Who is the present Representative in Congress from this district?—A. I don't know, sir.

Q. Who is the governor and lieutenant-governor of North Carolina?—A. Mr. Russell is the governor—is said to be; I don't know who the lieutenant-governor is.

Q. When were you born?—A. I was born July 10, 1844.

Q. How old are you now?—A. I will be fifty-five years July next.

Q. Who represents your State in the United States Senate?

(Objected to as irrelevant by counsel for contestant.)

A. I don't know.

Q. You stated that there was some shooting near your house on the night before the election. There is shooting in your neighborhood almost any night?—A. Sometimes there is, but not such shooting as that was that night.

Q. You stated that a number of colored men who told you that they were scared by the shooting on the night before the election and that they were scared to go to the polls and vote. Give the number and names who told you so.—A. Julius Grimes is one man; Charles McQuinn—that is all I can think of; I did not come myself.

Q. Are you afraid of a shirt because it is red?—A. I am not afraid of the shirt, but I am afraid of the man that wears the shirt.

Q. Did any man wearing a red shirt attempt to do you any harm on the day of the election or at any other time?—A. Not that I saw.

The witness not being able to write his name, is allowed to make his mark.

ROBERT (his x mark) ADAMS:

Subscribed to and sworn before us this the 13th day of April, 1899.

[SEAL.]

[SEAL.]

JOHN D. JOWERS,

C. B. SKIPPER,

Notaries Public.

D. E. MCBRYDE, being duly sworn, deposes and says:

Q. Where do you reside?—A. I live in Blue Springs Township, Robeson County, N. C.

Q. How long have you resided where you now reside?—A. I was born and raised there.

Q. Were you present at any of the political speakings during the campaign in your township preceding the election held in November, 1898?

(Objected to as irrelevant by counsel for contestee.)

A. I was at one of the speakings the day the candidates spoke there.

Q. Did you see any acts or hear any remarks made during said campaign that tended to intimidate voters?

(Objected to as incompetent for the fact that any answer of the witness would be an expression of opinion.)

A. The day of the speaking at Blue Springs I saw one of the speakers intimidated; they threatened to take him off the stand and cursed him (done by Red Shirts); continued to speak, but no one could hear him for the fuss and giving him the lie, etc.

Q. Who was the leader of this Red Shirt crowd you refer to?—A. I don't know who the leader was.

Q. Was Thomas McBryde, a former chairman of the Democratic executive committee, prominent in this crowd of Red Shirts?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. He was.

Q. Did you hear any threats made by the Red Shirt crowd during the campaign preceding the election held in November, 1898, that would in your opinion tend to intimidate voters?

(Objected to as wholly incompetent by counsel for contestee.)

A. As to the Red Shirts, I don't know; what I heard said was that they were going to carry the election one way or another.

(Answer objected to as incompetent by counsel for contestee.)

Q. Did any voters in your township stay away from the polls on account of threats or demonstrations made by Democrats during the campaign preceding on the day of the election held in November, 1898?

(Objected to as incompetent by counsel for contestee.)

A. There was only one that I know, and that was myself; I was advised to stay away, as my presence there might cause a riot.

Q. By whom were you advised to stay away from the polls in your precinct on the day of the election held in November, 1898; and what reason was given to you for such advice?

(Objected to as incompetent by counsel for contestee.)

A. Dr. W. J. Gilbert was one of the men, and the others I don't recollect now; the reason was it might cause trouble or a riot.

Q. Were the men who gave you this advice Democrats?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. They were Democrats.

Q. Did they give any reason why your presence at the polling place in your precinct might on the day of election cause trouble or a riot?

(Objected to as incompetent by counsel for contestee.)

A. No particular reason.

Q. Have you at any time prior to said election represented Robeson County in the lower house of the general assembly?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. I represented Robeson, 1897, in the lower house of the assembly.

Q. By what party or parties were you elected to represent Robeson County in the lower house of representatives?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. By the Populist and Republican parties.

Q. Have you heard any electors of your township say that they stayed away from the polls on the day of said election held in November, 1898, on account of the intimidation or threats made during the campaign preceding said election?

(Objected to as incompetent by counsel for contestee.)

A. I don't recollect that I have.

Q. Did you hear any elector or electors say, preceding or on the day of said election, say that they stayed away from the polls or intended to stay away from the polls on account of intimidation or threats?

(Objected to as incompetent by counsel for contestee.)

A. No, sir; I did not hear them give that as a reason.

Q. State what reason you heard them give for staying away from the polls.

(Objected to as incompetent, and for the further reason that the witness has not stated that he heard any reason given by electors.)

A. They said it was not worth while to go there and vote, for the Democrats were going to carry the election anyway. They were going to capture the election and have it anyway.

Q. Did you hear anything about Democrats arming themselves with Winchester rifles during the campaign preceding the election held in November, 1898?

(Objected to as incompetent by counsel for contestee.)

A. I did.

Q. What did you hear in regard to Democrats arming themselves during the campaign preceding the election held in November, 1898?

(Objected to as incompetent by counsel for contestee.)

A. It was reported that they armed themselves to protect themselves and to shoot negroes and to protect the white women of the South and to keep down riots.

Q. Are you acquainted throughout Robeson County?

(Objected to as irrelevant by counsel for contestee.)

A. I am pretty well acquainted in the county; I have been over it several times.

Q. Did you hear of any disorder or riotous conduct by negroes before or during the campaign or on the day of or since the said election in your county?

(Objected to as incompetent by counsel for contestee.)

A. I don't recollect of any, except a fuss they had at Ashpole.

Q. Have you heard of any white woman in your county who was insulted by a negro during the campaign preceding or on the day of the election?

(Objected to as incompetent by counsel for contestee.)

A. I only heard of one, that of Mrs. Legett, being whipped by a negro boy near Lumberton; I have since seen it corrected; I don't know whether there was any truth in it or not.

Cross-examined by COUNSEL FOR CONTESTEE:

Q. Do you know of any elector in your precinct who attended the election and offered or attempted to vote who was prevented by violence from doing so?—A. Of my own personal knowledge, I do not.

Q. Do you know of any elector who was in any way prevented from voting at said election?—A. I don't, with the exception of myself; I was advised not to go.

Q. You stated in your direct examination that you were advised by one W. J. Gilbert not to go to the election for the reason that your presence there might cause trouble or a riot. Was not W. J. Gilbert your own brother-in-law?—A. He is.

Q. Do you mean to swear that W. J. Gilbert intimidated you and prevented you from voting?—A. I don't swear that he intimidated me.

Q. Did any other man, other than Gilbert, intimidate you and prevent you from voting?—A. None that I know of.

Q. You stated that you saw a speaker by the name of S. A. Edmunds intimidated by Red Shirts; do you not know that said S. A. Edmunds swore himself that he was not intimidated?—A. I do not.

Q. Do you not know that said S. A. Edmunds made his speech on the occasion mentioned by you and that he was not touched or prevented from speaking?—A. He made some sort of a speech, but it did not amount to much, for nobody could hear him. I look upon it as intimidation; I don't know what he counted it.

Q. You have in your testimony several times referred to intimidation; do you know what intimidation is? And if so, state?—A. Intimidation is the preventing of a person from doing what they want to do by threats or violence; it may go all the way or may go part of the way.

Q. You stated in your direct examination that the only voter who stayed away from the polls on account of threats or demonstrations made by Democrats during the campaign preceding the election was yourself. Did you not in your cross-examination above swear that you were not intimidated by any person?—A. I would like to correct that answer, as no man made any threats against me or demonstration personally.

Q. You stated that you at one time represented Robeson County in the legislature of North Carolina; was not a majority of the voters that elected you ignorant negroes?—A. I was elected by both white and negro votes, but I do not know who voted for me; I can't tell which was in the majority.

Q. Did not the legislature to which you belonged repeal the charters of several eastern cities, taking away from the citizens thereof the right of local self-government, putting it into the hands of the governor, and thus turning it over to negroes and other irresponsible parties?—A. The charters of the cities Wilmington and Newbern were revised and the governor was given the power to appoint some of the officers. I don't know whether he appointed negroes or whites; I heard that some of them were negroes; I don't remember whether the charters were revised or repealed.

Q. You stated in your direct examination that you heard something about Democrats arming themselves with Winchester rifles during the campaign for the purpose of protecting the white women of the South and to keep down riots; state who reported this to you.—A. Can't state the name of anyone; it was a general rumor talked all over the county for several weeks.

Q. To what political party do you belong?—A. Populist.

Q. To what political party did O. H. D. belong in the campaign of 1896?—A. He was a Silver Republican.

Q. Did he not run as a candidate on the Populist ticket for lieutenant-governor in opposition to the nominee on the Republican ticket?—A. I think he did.

Q. Was he not a candidate for governor in that campaign, and after his defeat in the convention did he not charge that D. L. Russel cheated him out of the Republican nomination, and then accept the nomination for lieutenant-governor on the Populist ticket?—A. I don't remember exactly, but I am under the impression that he did.

Q. What are the present politics of O. H. Dockery?—A. I don't know; he claims to be a Silver Republican, I believe.

Q. Do you believe in the principles of the Republican party?—A. There is some of their principles I believe in; some I don't.

Q. Did you desire to vote for O. H. Dockery in the last campaign?—A. I would have voted for him if I had went to the election.

Redirect examination by COUNSEL FOR CONTESTANT:

Q. Would you have gone to the last election, held in November, 1898, had it not been for this advice referred to as having been given you by your brother-in-law, W. J. Gilbert, and the current rumors of violence by Red Shirts?

(Objected to as incompetent by counsel for contestee.)

A. It was the advice that kept me from the election.

D. E. MCBRYDE.

Subscribed to and sworn before us this the 14th day of April, 1899.

[SEAL.]
[SEAL.]

J. D. JOWERS,
C. B. SKIPPER,
Notaries Public.

JAMES P. PATTERSON, being duly sworn, deposes and says:

Q. Where do you reside?—A. Robeson County, Smiths Township.

Q. How long have you there resided?—A. I have lived there for twenty-three years.

Q. What was your voting precinct at the election held in November, 1898?—A. Smiths precinct No. 1.

Q. Were you one of the judges of the election at said precinct at said election?—A. I was one of the registrars.

Q. Did you hear or read anything in regard to the carrying of said election by the Democrats?

(Objected to as incompetent by counsel for contestee.)

A. I read in some paper a report of Wadell's speech in Wilmington, N. C., in which he said that they or we will dam up the Cape Fear River with carcasses or carry the election Democratic. I read a report of a speech made by Buck Kitchin's son at Laurinburg, in Richmond County, and heard it reported by someone, and that he told the crowd to carry the election if they had to do so by force.

(Objected to as incompetent by counsel for contestee.)

Q. What party did Buck Kelcher's son, you have referred to, represent at the last election and preceding the November campaign?—A. I don't know it of my own knowledge, but I know by newspaper reports that he belongs the Democratic party.

Q. Did you hear of any acts of violence calculated to produce intimidation of any of the voters of your precinct during the campaign preceding the election in November, 1898?

(Objected to as incompetent by counsel for contestee.)

A. I heard of two cases; Alford McLauchlin was one, Nelson Locklier was another.

Q. What did you hear was done to them?

(Objected to as incompetent by counsel for contestee.)

A. Their houses were broken into; they were carried out and whipped—one of them; I don't remember whether the other was whipped or not.

Q. To what race do these men, Nelson Larkleir and Alford McLauchlin, belong?

(Objected to as irrelevant by counsel for contestee.)

A. One of them belongs to what is called Croatans in our county; the other is a negro, classed with the negroes—white blood in him.

Q. Have you heard anything at any time in regard to the Democrats arming themselves with Winchester rifles during the campaign preceding the election held in November, 1898?

(Objected to as incompetent by counsel for contestee.)

A. I saw—if I recollect aright—I saw in the Maxton Union and Scottish Chief an account of a large number of Winchester rifles being sent to Rockingham, Richmond County, for delivery there and Wilmington. I heard that a box of Winchester rifles was distributed at the Red Springs.

Q. Did you hear anything about Winchester rifles having been received at Maxton?

(Objected to as incompetent by counsel for contestee.)

A. Yes, sir.

Q. How often are the registration books revised when there is no new registration required, so as to show a correct registration of the qualified electors?

(Objected to as incompetent by counsel for contestee.)

A. I don't know what the law on it is, but I believe it is revised every regular election.

Q. Did you and the other registrars of election in your precinct at the election held in November, 1898, revise the registration books and leave off the names of all whom you knew to have moved away or died, or otherwise become ineligible?—A. To the best of our knowledge we did.

Q. At how many elections have you acted as registrar in your precinct?

(Objected to as irrelevant by counsel for contestee.)

A. I have acted at two regular elections and one on the school election.

Q. Did the election law which you had for your guidance at each of said regular elections say anything in regard to a revision of the registration books; and if so, what was it?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. I don't remember the law. Our precinct was was a new one, and we had a new registrar in 1896; in the last election it was a revisal.

Q. Did all the qualified electors in your precinct vote at the election held in November, 1898?

(Objected to as incompetent, the registration book and returns being the only proper evidence.)

A. I counted the names on the registration book, and my recollection is that it will show about thirty that did not vote.

Q. About what number of these were white and what number colored?—A. The most of them were colored and Croatans.

Q. About what proportion of these thirty who failed to vote were white?

(Objected to as incompetent and irrelevant, and for the reason that any answer of the witness would be a mere expression of opinion.)

A. Very few. I only knew two; I don't think there was any more.

Cross-examined by COUNSEL FOR CONTESTEE:

Q. Do you know of any elector in your precinct that offered or attempted to vote at said election held in November, 1898, who was prevented by violence or intimidation from doing so?—A. No, sir.

Q. Was not every elector who offered to vote allowed to do so without molestation or interference?—A. Yes.

Q. You stated in your direct examination several things that you saw in newspapers. Do you swear that any of these things were true?—A. I don't know of my own knowledge whether they were true or not.

Q. You stated in your direct examination that you heard of violence calculated to produce intimidation in the case of Nelson Locklier, a voter in your precinct. Did Nelson Locklier vote on the day of the election in your precinct; and if so, was he interfered with in any way?—A. He did vote; he was not interfered with.

Q. You stated in your direct examination you saw, if you recollected aright, in the Maxton Union and Scottish Chief an account of a large number of Winchester rifles being sent to Rockingham, Richmond County, and Wilmington. How far are

Rockingham and Wilmington from where you live?—A. Rockingham is about 30 miles, I believe; Wilmington is about 80 or 90 miles; I am not positive.

Q. Do you not know that if any such rifles were shipped to these places it could not interfere with the election at your precinct?—A. I don't know that it would.

Q. Do you know of any unlawful use that made in your precinct? If so, state what it was.—A. I don't know of any.

Q. You stated in your direct examination that the registrar in your precinct erased from the registration book the names of all they knew to be dead, moved away, or otherwise become ineligible. How many names did you have on the registration book that you did not know was ineligible and who did not vote at the election?—A. There was one man on the books whom I know was not entitled to vote; he was registered somewhere else; the balance, I believe, were.

Q. Will you swear that every elector whose name appeared on the registration books on the day of election except the one referred to by you was a living resident of your precinct and a qualified voter at said election?—A. My recollection is that they were.

(Counsel for contestant remarks that the notaries require the witness to answer the above question. The notary, J. D. Jowers, decides that the following answer of the witness is a sufficient answer to the question, to wit: "My recollection is that they were." The notary, C. B. Skipper, decides that the witness should give a direct answer to the question as asked, and then any explanation that he wishes. The witness refuses to answer the question as decided by Notary C. B. Skipper, but does answer as decided by Notary J. D. Jowers.)

The attorney for the contestee protests and objects to the refusal of the witness to answer his question and the refusal of notary for the contestant to require the witness to do so.)

Q. Will you now swear that every name which appeared on the registration books on the day of the said election was a living resident of your precinct at that time?—A. According to my recollection now they were.

Q. Is your recollection now correct or incorrect?—A. I will have to refer you to the registration book.

Q. Then you admit that the registration book is more correct than your recollection, do you not?—A. I don't know whether it is or not.

Q. If you did not know, why did you refer to the registration book to correct your recollections?—A. That is the place to get the actual truth.

Q. You stated in your direct examination that there were about thirty names, according to your recollection, on the registration book in your precinct at the last election who did vote at said election. Did any one of those attend the election and offer or attempt to vote?—A. No.

Q. Can you swear how any one of them would have voted if they had attended said election and offered to vote?—A. Of my own knowledge, I can not.

Q. To what political party do you belong?—A. To what is called the Populist party.

Q. What party is called the Populist party?—A. It is a party that has not been in existence very long.

Q. To what political party does O. H. Dockery, this contestant, belong?—A. From the information I have, he is a Silver Republican.

Q. Did he not run as a candidate for lieutenant-governor on the Populist ticket in 1896, in opposition to the regular Republican ticket?—A. He did.

J. P. PATTERSON.

Sworn to and subscribed before us this 14th day of April, 1898.

[SEAL.]
[SEAL.]

J. D. JOWERS,
C. B. SKIPPER,
Notaries Public.

NELSON LOCKLIER, being duly sworn, deposes and says:

Q. Where do you live?—A. I live in Smith Township.

Q. How long have you lived there?—A. I have lived there about twenty-one or twenty-two years.

Q. Did anything happen to you in last November; if so, what was it?—A. Whipping a while and kicking a while, and they put their handkerchiefs in my mouth and choked a while, and put a figure 5 on my left hip.

(Answer objected to as irrelevant by counsel for contestee.)

Q. Was anything said to you by the crowd who did this whipping, kicking, choking, as to what they did it for?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. They said I would let politics alone, * * * me; they said if I went to the election on Tuesday, * * * me, they would see me again; they said Red Shirts did not take no * * * fooling.

Q. How many men were in this crowd?—A. Four come to my bed and drug me out like a hog, and two stayed in the house and guarded my wife in the house.

Q. Did they say anything about being from South Carolina while this was going on?—A. That is what they claimed—that they came from South Carolina.

Q. How long was this before the day of the said election?—A. Saturday night before the election on Tuesday.

Q. To what political party do you belong?—A. I am a Republican party man and nothing but that.

Q. To what race do you belong?—A. To the Indian race—I believe that is the name given me by Mr. McMillian.

Cross-examined by COUNSEL FOR CONTESTEE:

Q. Did you go to the election and vote as you chose on the 8th day of November last?—A. Yes, sir; I did.

Q. Did you vote at said election without interference from anyone?—A. Yes, sir; no trouble nowhere except at home. Everything was lovely at the election.

Q. Has anyone troubled you since the election?—A. No, sir.

NELSON (his x mark) LOCKLIER.

Sworn to and subscribed before us this the 14th day of April, 1899.

[SEAL.]
[SEAL.]

JOHN D. JOWERS,
C. B. SKIPPER,
Notaries Public.

JOURDAN MCNAIR, being duly sworn, deposes and says:

Q. Where do you live?—A. I live at Alma, Maxton Township, Robeson County.

Q. How long have you lived in Maxton Township?—A. About twenty-six years.

Q. Where was your voting place at the election held in November, 1898?—A. Here in Maxton.

Q. What happened to you on your way to the voting place in Maxton on the day of the election held in November, 1898?—A. I got a good kicking, sir.

Q. By whom did you get this good kicking?—A. I did not know them; it was a crowd of Red Shirts in front of Captain Hydolott's house.

Q. How many were in the crowd?—A. There was about twenty-five, I think.

Q. Did they say why they kicked you?—A. No, sir.

Q. Did they say anything to you about the election which was being held on that day?—A. They asked me where I was going, and I told them I was going to the election, and they told me if I did not go back they would beat so that I could not get back to Alma, and jumped at me and kicked me and struck me.

Q. Did all of this crowd have on red shirts?—A. Yes, sir.

Q. Did you see this same crowd running after and shooting at any other colored man on the day of said election?—A. —

Q. Who was it?—A. My son, J. H. McNair.

Q. Where were they running and shooting at him when you saw them?—A. They started here just the other side of the platform; he was on his wheel.

Q. How far was this from the polling place?—A. About 300 or 400 yards across.

Q. Was your son going in the usual way to get to the polling place in Maxton on the day of the election when he was hit by these Red Shirts?—A. Yes, sir.

Q. Was there any unusual amount of shooting in your neighborhood for any night or nights just preceding the said election?

(Objected to as irrelevant by counsel for contestee.)

A. Yes, sir; I heard a right smart of it.

Q. On what night or nights just preceding the said election did you hear this shooting?—A. I heard it on Monday night.

Q. Where was it done?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. Over on the big road; between Mr. Robert McNair's and Mr. Pane's.

Q. Did you hear any voters say, during the campaign or on the day of the election held in November, 1898, that they were afraid to go to the election and vote?—A. Yes, sir.

Q. How many did you hear say so?

(Objected to as incompetent by counsel for contestee.)

A. I heard three say so.

Q. Who were these three?

(Objected to as incompetent by counsel for contestee.)

A. Sam Brown, Ran. Smith and Jourdan H. McNair.

Q. Did you hear anything in regard to Randle Smith being whipped a few nights before the election held in November, 1898.

(Objected to as incompetent by counsel for contestee.)

A. Yes, sir.

Q. What did you hear about it and who told you?

(Objected to as incompetent by counsel for contestee.)

A. He said that they told him that if any of we darkies come to the election there would be more dead negroes at Alma next morning than there ever was before.

Q. Did Randle Smith come to the election?—A. Yes, sir; but he told me that he was scared to vote.

(Answer objected to as hearsay and incompetent by counsel for contestee.)

Q. Did you hear anything just before or during the election held in November, 1898?

(Objected to as incompetent by counsel for contestee.)

A. I did, sir.

Q. What did you hear about them?

(Objected to as incompetent by counsel for contestee.)

A. I heard Hezekiah Adams say they shot in his house and the one next to him.

(Answer objected to as hearsay and incompetent by counsel for contestee.)

A. Some called us darkies and some called us dorkies; I know I am a negro.

Q. To what race does Randle Smith belong?—A. He is a negro, too.

Cross-examined by counsel for contestee: .

Q. Did anything that was done to you or anything that you heard prevent you from voting on the day of election?—A. No, sir.

Q. Did you go to the polls and vote at said election, and did anyone interfere with you to prevent you from voting?—A. I did vote, and no one interfered—prevented me.

Q. Do you not know that your son Jourdan H. McNair's name does not appear on the registration books?—A. His name is on the tax books and he has been paying taxes for two years.

Q. Do you know?—A. No, sir; I do not know.

Q. You stated that Randle Smith told you that somebody told him that if any of you darkies went to the election that there would be more dead negroes at Alma next morning than there ever was before; you say you and other negroes voted. Was there any dead negroes there next morning?—A. No, sir; but we did not know any better.

Q. Were any of the darkies who voted at said election troubled by anyone after said election?—A. Not that I know of.

Q. To what political party do you belong?—A. I belong to the Republican party.

Q. Did you ever vote a Republican ticket?—A. I don't know, sir.

Q. Who are the President and Vice-President?—A. McKinley is the President; I don't know who the Vice-President is.

Q. What are the principles of the Republican party, to which you say you belong?—A. I have to work in the fields and can't seek after the principles.

Q. Who is the present member of Congress from this the Sixth Congressional district?—A. I have forgotten.

Q. Who is the lieutenant-governor of North Carolina?—A. I have forgotten that, too.

Q. Who are the members of the United States Senate from North Carolina?—A. I don't know, sir.

Q. Can you name anyone of the judges of the supreme court of North Carolina?—A. I don't know.

JOURDAN (his X mark) MCNAIR.

Sworn to and subscribed before us this the 14th day of April, 1899.

[SEAL.]
[SEAL.]

JOHN D. JOWERS,
C. B. SKIPPER,
Notaries Public.

JAMES MCCARMAC, being duly sworn, deposes and says:

Q. Where do you live?—A. In Blue Springs Township, Robeson County, N. C.

Q. What precinct in Blue Springs Township is your voting place?—A. No. 1.

Q. How long have you lived in Blue Springs Township?—A. About twenty-five years.

Q. Were you one of the electors in your precinct at the election held in November, 1898?—A. I was.

Q. Were you present at the voting place in your precinct on the different days of registration and challenging preceding said election?—A. I was there every day.

Q. Were you there on the day of said election?—A. Yes, sir; I was there.

Q. Were you present at the political speaking held by the candidates during the campaign preceding said election?—A. I was.

Q. Do you know of any intimidation of voters during the campaign preceding or on the day of said election?

(Objected to as too general and incompetent by counsel for contestee.)

Counsel for contestee has to qualify the witness by asking him the following question: "Do you know what intimidation means?"—A. Intimidation means to make a man do what he does not want to do, or persuade him to do so.)

A. I know voters, men who would have voted if they had been let alone and had their own way about it.

Q. How many men do you know in your precinct who would have voted had they have been let alone?

(Objected to as incompetent by counsel for contestee.)

A. I know four or five who would have voted had they been let alone.

Q. How many colored voters in your precinct failed to vote at the election held in November, 1898?

(Objected to as incompetent, the registration book, poll book, and election returns being the only proper evidence of the fact.)

A. I being one of the registrars and a judge of the election, according to the registration book and the election returns there was somewhere about forty who failed to vote in precinct No. 1. I know that for a fact.

Q. Was anything done to the chairman of the board of registrars just preceding the said election?

(Objected to as incompetent by counsel for contestee.)

A. On challenge day the chairman came down to the precinct; the Red Shirt company was there; they surrounded him and began to talk pretty rash to him; I started up near to where they were talking to him, and before I could learn what was to pay with them or what had occurred among the men, the captain of the Red Shirts cursed me and drove me back, and told me if I did not go back he would put his Red Shirt company on me, and I went away and set down and could not hear what they had to say.

Q. What did the chairman tell you that this Red Shirt company did to him?

(Objected to as incompetent by counsel for contestee.)

A. The chairman told me that they wanted to take the books from him, and that the men were so mad that he thought they would kill him; the chairman told me that he begged the men to wait awhile; that they were too mad to talk to him.

Q. Did you see any other demonstration by Red Shirts during the campaign or on the day of said election?

(Objected to as incompetent by counsel for contestee.)

A. Yes, sir; I saw them doing wrong on the day of the election; I heard one man curse another from off the election ground who came to vote; while we were counting and making out the returns on the night of the election some fellow in the Red Shirt crowd shot in five steps of where we were counting the votes, and the captain of the Red Shirts got up and said, "Boy, don't shoot any more."

Q. Who was the captain of the Red Shirt company?

(Objected to as incompetent and irrelevant by counsel for contestee.)

A. Thomas McBryde, R. M. McQueen, Thomas Watson—these were the officers of that Red Shirt company.

Q. Who was the chairman of your registration board?—A. Murdoch McLeod was the chairman.

Q. Did you hear of any laborers or tenants in your township being threatened with discharge or dismissal if they did not stay away from the election or vote the Democratic ticket?

(Objected to as incompetent by counsel for contestee.)

A. Yes; I know of such threats as that to have been made.

Q. To what race do you belong?—A. I belong to the colored race.

Q. To what race does Murdoch McLeod, who was chairman of the board of registration in your precinct at the last election, belong?—A. He belongs to the white race.

Q. To what political party does the said Murdoch McLeod belong?—A. He belongs to the Fusion party; I always saw him vote that ticket.

Q. Was this T. McBryde you refer to as being one of the officers of the Red Shirt crowd, the chairman of the Democratic executive committee during the campaign of 1896.

(Objected to as irrelevant and incompetent by counsel for contestee.)

A. I have no recollection about that.

Cross-examined by COUNSEL FOR CONTESTEE:

Q. You stated in your direct examination that you knew four or five voters in your precinct who would have voted at the last election if they had been let alone. Do you know that they were duly qualified voters in your precinct? And if so, give their names.—A. Yes, sir; Hufen Love, Tom McLean, Sandy McLean (who they would not let register—had nothing against him), Dave McNeil, Cato Gillis, James Salesbud, of that ward, and there was no charges against the men.

Q. Do you know that anyone of these were kept from voting of your own knowledge and not from what you were told?—A. I know of one.

Q. Do you know of your own knowledge what ticket they would have voted if they had attended the election and voted that day?—A. I am a colored man; yes, sir; I know they would have voted the Republican ticket.

Q. Do you mean to swear that you know of your own personal knowledge what purpose existed in the mind of a voter who did not attend the election?—A. No; I can't swear to that, but I knew that these men would have voted the Republican ticket.

Q. Did any one of these, except one that you mentioned, attend the election, approach the polls or attempt to approach the polls for the purpose of casting his ballot at said election?—A. No, sir; but I saw others approach the polls and fail to vote.

Q. Name the others that did.—A. I know there was others, but I can't name them just now.

Q. You stated in your direct examination that there was somewhere about forty colored voters in your precinct who failed to vote in your precinct at said election. Give their names.—A. I can not give you the names without the registration books over the precinct.

Q. Do you know what number of these were prevented by violence from attending the election and voting? And if so, give their names.—A. I can not tell how many were prevented by violence, but I know that a majority of them would have gone to the election and voted, but for violence. I before told you Hector McBryde, Hector Lane, Cato Gillis, Sandy McLean, Thomas McLean. It was violence that kept them away and the roughest sort, too.

Q. What violence prevented Thomas McLean from voting?—A. Fear of his bosses, also he would lose his crop if he went and voted.

Q. Do you know that of your own knowledge?—A. Yes, sir; I know it of my own knowledge.

Q. How do you know it of your own knowledge?—A. I saw his crop in the field and he could not move it. I was not present and heard him forbidden to do so, and don't know it of my own knowledge, but it is true all the same.

Q. You swore a while ago that you did know of your own knowledge and in the last question you say you do not know of your own knowledge. How do you reconcile these two statements?—A. Both is true; I am satisfied that it is true.

Q. You stated in your direct examination that there was some trouble on challenge day before the election. Were the judges of election prevented from hearing the challengers that should have been heard on that day?—A. I don't think they were.

Q. Were the judges of election prevented by the shot that you say you heard from counting the ballots and making out the returns on the night of the election?—A. No; but it made me feel like hiding out and away somewhere.

Q. You stated in your direct examination that you knew of some laborers and tenants in your precinct who were threatened with discharge and dismissal if they did not either stay away from the election or vote the Democratic ticket. Give the names of those that you know of your own knowledge.—A. The man that cursed Hector McBryde from off the election ground is one that I know of my own knowledge; I was not there to see any man.

Q. Do you know of any others of your own knowledge except Hector McBryde?—A. I don't know of any others, while my statement is still true that there was others.

Q. Will you swear to a fact as true just because somebody tells you that it is true?—A. No, sir; I would not swear to a fact as true because somebody else told me it was true.

Q. Then, how can you swear that it is true that others than Hector McBryde was threatened with dismissal when you have no personal knowledge of the fact?—A. Because that was a general thing just prior to the election and on the day of the election.

JAS. McCORMICK.

Sworn to and subscribed to before us this the 15th day of April, 1899.

[SEAL.]
[SEAL.]

JOHN D. JOWERS,
C. B. SKIPPER,
Notaries Public.

NEILL McRAE, being duly sworn, deposes and says:

Q. Where do you live?—A. In Red Springs Township, precinct No. 1; I have lived in the county twenty-three years and in the present precinct five years, in Robeson County, N. C.

Q. How far do you live from Red Springs?—A. Little over four miles.

Q. Did you see any men at Red Springs during the campaign preceding the election held in November, 1898, wearing red shirts?—A. Yes, sir; I did.

(Objected to as irrelevant by counsel for contestee.)

Q. Did you see any Winchester rifles at Red Springs during the campaign or on the day of the said election?—A. No, sir; I did not see any; I heard that they were there.

Q. Who did you hear had them?

(Objected to as incompetent by counsel for contestee.)

A. I heard that they were stacked away in a man's hardware store by the name of Folbes.

Q. Did you hear anything about Maj. G. H. Hall being on the street in Red Springs during some political gathering preceding the election, with a red shirt on and with two Winchester rifles.

(Objected to as incompetent by counsel for contestee.)

A. Yes, sir; I heard it had, but I did not see it.

Q. Is this Major Hall a prominent Democrat of Red Springs?—A. I think he is.

Q. Did you hear any threats made during the campaign or on the day of said election against any men on account of their political opinions; and if so, who were the men and what were the threats?

(Objected to as incompetent by counsel for contestee.)

A. Yes, sir; against myself and W. A. Barber. Mr. George Biggs says, "You are a Populist, damn you; leave this country and never let me see you about here any more; you know me, don't you, and you make yourself scarce about here." Then that night I went back to the tent to preaching, and then came a young man by the name of Peter Ray, and said, "You are a Democrat." I said, "No, sir; I am not." He said then you have got to vote the Democratic ticket. I told him no, I did not have to vote it. He says, "If you don't vote it I will hurt you, and hurt you bad." I told him he would have to hurt. I then moved farther under the tent, where the preacher was preaching, to get away from him. He came to me again and said, "You are going to vote it now, are you not?" and I said, "No, sir." He said, "I am going to hurt you." I started to leave the tent to go home when the preaching was over. Ray met me again and said, "You will vote the Democrat ticket now." There was a man by the name of Bob Parks I recognized outside the door. He said, "Catch him, Pete, and the rest will come." I don't know who the rest were. I got about half a mile from the tent I heard five or six pistol shots. I don't know who did the shooting.

Q. What did you hear said to W. A. Barber?—A. What George Biggs said was all I heard.

Q. Did Peter Ray and Bob Parks have on red shirts the night you speak of?—A. I am not positive about Bob Parks having on a red shirt, but Peter Ray did, and George Biggs did also in the daytime. Peter Ray was drunk that night; Biggs was drunk in the day.

Q. Where does Peter Ray live?—A. He lives in Blue Springs Township.

Q. What relation is he to C. S. Ray?—A. He is a son of C. S. Ray.

Q. What has been the reputation of the Democrats of Blue Springs Township for intimidation at elections for the last few years?—A. I have heard that there was generally threats there against people about voting.

Cross-examined by COUNSEL FOR CONTESTEE:

Q. To what political party do you belong?—A. I belong to the Populist party.

Q. You stated in your direct examination that Peter Ray and George Biggs made some threats against you and W. A. Barber on account of your political opinions. Did these alleged threats prevent you from voting at the last election?—A. I went on and voted.

Q. Did not W. A. Barber vote at said election?—A. I do not know; I did not see him vote.

Q. Were you at the voting place on the day of said election; and if so, were you allowed to vote without molestation or interference?—A. I was there; I was not bothered by anyone; I was only there a short time.

Q. Do you know of any qualified elector who offered to vote at said election who was prevented in any way to do so?—A. I do not.

Q. Was not said election, so far as you know, conducted fairly, openly, and honestly?—A. Yes; all I saw was fair, so far as I know.

NEILL McRAE.

Subscribed to and sworn before us this the 15th day of April, 1899.

[SEAL.]
[SEAL.]

JOHN D. JOWERS,
C. B. SKIPPER,
Notaries Public.

STATE OF NORTH CAROLINA, Robeson County:

We, the undersigned notaries public, do hereby certify that the foregoing sheets contain the testimony taken on the part of the contestant in rebuttal by and before us, sitting together at Maxton, N. C., on April the 12th, 13th, 14th, and 15th, 1899; the

witnesses examined on the part of the contestant being J. C. McCaskill, W. J. Currie, Jas. P. Smith, Jourdan McNair, Nelson Larklin, Robert Adams, D. E. McBryde, Jas. McCormac, John Bateman, John Walker, John A. Campbell, J. P. Patterson, G. Luther McLean, and Will McRae. We further certify that copies of the notices of contests and the answer of contestee filed thereto are prefixed to these depositions; we further certify that copies of the notices to take depositions and the subpoenas are duly attached hereto.

Witness our hands and official seals at Maxton, N. C., this the 15th day of April, 1899.

[SEAL.]
[SEAL.]

JOHN D. JOWERS,
C. B. SKIPPER,
Notaries Public.

EXHIBIT A.

Notices to take depositions.

To JOHN D. BELLAMY, *Contestee*,
Wilmington, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Whitesville, at the court-house in Columbus County, N. C., before Albert F. Toon, notary public, beginning at 10 o'clock a. m., on Tuesday, the 18th day of April, 1899, and continuing from day to day if necessary. I will examine the following witnesses, namely: Council Meares, Rufus Meares, Haddock; J. J. Spivey, Mt. Tabor; John Williams, Hallsboro; W. D. Wooten, A. T. Bullard, Shade Wooten, Prong; W. A. J. Soles, Eoka; Pink Williams, South Whiteville Township; John Edmonds, Fair Bluff Township; Haynes Kelliha, Cerrogoro; W. H. Sellers, C. M. Baldwin, H. B. Register, Whiteville; John R. Baldwin, Welches Creek Township; Cain Brown, Tatoms Township; W. G. Walker, Whiteville Township; S. J. King, Conway, S. C.; H. O. McCumbie, Chadbourn Township, Kinchen Whitley, Whiteville.

OLIVER H. DOCKERY,
Per OSCAR J. SPEARS,
Attorney.

APRIL 12, 1899.

(Indorsed:) Served April 13, 1899, by delivering a copy of this notice to John D. Bellamy, contestee.

WALTER G. MCRAE, *Sheriff*,
Per OWEN FENNELL, *Deputy Sheriff*.

EXHIBIT M.

THE UNITED STATES OF AMERICA:

To the sheriff or other lawful officer of Columbus County, greeting: You are hereby commanded to summon the following persons, namely: Council Meares, John Edmonds, W. A. J. Soles, Haynes Kelliha, Cain Brown, H. B. Register, to be and appear before me at Whiteville court-house, Columbus County, at 10 o'clock a. m., on the 20th day of April, 1899, then and there to testify in above-entitled cause in behalf of Oliver H. Dockery, contestant. Herein fail not, and make due return to me at said place of hearing this April 18, 1899.

A. F. TOON, *Notary Public*.

(Indorsed:) Received April 18, 1899. Executed April 19, 1899, on John Edmonds, Haynes Kelliha, W. H. J. Soles, Cain Brown. Received too late to serve on Council Meares. H. B. Register not to be found in my county.

W. H. THOMPSON, *Deputy Sheriff*.

By virtue of the power vested in me by law to take depositions, and it appearing to the court that the notice hereto attached, marked Exhibit A, was duly served on John D. Bellamy, contestee in the above-entitled cause, on April 13, 1899, and it further appearing to the court now in session that the contestant, Oliver H. Dockery, is represented by counsel, to wit: D. J. Lewis and J. B. Schulke, and the contestee, John D. Bellamy, for the purposes hereinafter stated, represented by counsel, to wit: Wishart & Frazer, George L. Peschan, and it further appearing that the subpoena hereto attached was duly served as stated by the returns and indorsement of the sheriff thereon appears.

The court convened at 10 o'clock a. m., April 18, 1899. The following proceedings were had before me: The contestee, John D. Bellamy, through his attorneys, Wishart & Frazer and George L. Peschan, enters a special appearance before any evidence was introduced and moved to dismiss this proceeding, and filed the following objection, attached and marked "Exhibit E," and herewith declared a part of this record.

Objection, Exhibit E. Objection by contestee to the taking of testimony at Whiteville, N. C., under the annexed notice:

Contestee through and by his attorneys, Wishard & Frazer and George L. Peschau, does herewith earnestly object to the taking of depositions in Columbus County under the annexed notice, and does strenuously insist that the taking of any testimony at this time is unauthorized and entirely without the purview and intent of the Revised Statutes of the United States permitting and regulating the taking of testimony in contested election cases, to wit: Chapter VIII, Revised Statutes of the United States; and for the reason in the forty days allowed the contestant for the taking of testimony the contestant did neglect or purposely refrain from introducing any witness or evidence of any nature whatever tending to show that in the county of Columbus any acts of fraud or intimidation were committed, or did neglect or purposely refrain from putting in evidence any matter whatever tending in anywise to affect the validity of the election held in that county for Congressman on November 8, 1898, and that in view of the fact that contestant did not introduce any evidence to show that the campaign and election of 1898 in Columbus County was not fairly and honestly and openly conducted, as contestee alleged in his answer and does still contend, contestee refrained from taking the depositions of numerous witnesses in Columbus County for the purpose of showing that the campaign and election in Columbus County was as quiet, as peaceable, as free from fraud or intimidation or attempts at intimidation as an election could be; and contestee, through his counsel, does further base his objections to the taking of testimony at this time upon the grounds that the taking of testimony at this stage of the proceedings might work a palpable hardship and injustice to contestee, by reason of the fact that no opportunity whatever is given to contestee to rebut or disprove the statements of witnesses introduced by contestant, as contestee claims and believes, in perversion of the statutes regulating contested elections.

Contestee does further object to the taking of any testimony upon the ground that O. H. Dockery, the named contestant in this cause, in his notice of contest served on J. D. Bellamy, Congressman-elect, expressly declares he was not elected to the seat to which he is attempting to contest.

Now, therefore, for the reasons assigned, J. D. Bellamy, by his attorneys, does object and protest to the examination of witnesses on the part of contestant, and asks that this protest and objection be filed on the records of this cause. This 18th day of April, 1899, at Whiteville, Columbus County, N. C., at 10 o'clock a. m.

J. D. BELLAMY,
By his Attorneys, WISHARD & FRAZER
GEO. L. PESCHAU.

Contestee moves to dismiss. Motion overruled. Ruling excepted to. Contestee further objects to examination of witnesses on the ground that the returns of the sheriff on the annexed subpoena show that the necessary five days required by statute (sec. 128) has not been complied with. Motion overruled. Exception by contestee.

The following witnesses were duly sworn and examined for contestant, viz:

A. T. BULLARD, being duly sworn, says:

I live in Western Prong Township, Columbus County.

Q. How long have you lived in this county?—A. I have lived in here ever since 1857, except what little time I stayed in Bladen County—about two or three years.

Q. State if you are a voter in county of Columbus, and if you voted in last general election.—A. I am a voter and voted in last election.

Q. State whether or not you were present on the day of election held on the 8th day of November, 1898, at the voting precinct in Western Prong Township?

(Question objected to on the ground that it is suggestive and leading and improper; objection overruled.)

A. I was.

Q. State whether or not there was any improper conduct on the part of the people present on the day of election; and if so, what was it?

(Question objected to for the reason assigned in the objection to the question above.)

A. We met up there that morning at the time appointed by law to open the polls. About the time we opened the polls, Mr. Snowden Singletay and Henry W. Bitting rode up in a buggy and got out. When they got out, Bitting took out what looked like two bottles wrapped up in paper and put in his overcoat pocket. They stood there a minute or two and went down toward Mr. Wooten's gristmill; went around behind the hopper and turned up a black bottle and looked like they were drinking. They came back to the polls and Mr. Bitting took Rush Pridgen, who was a voter in that township, and went around about the gin, or somewhere; I did not follow; I think he went behind the gin and stayed an hour or so. He came back; Mr. Bitting

came back and stood around in the crowd a while. Occasionally he would go off with one and then another. About 11 o'clock he went off with a horse and buggy toward marsh road and was gone about two hours; when he came back a crowd was around there. I saw him give a man a bottle and the man turned it up like he was drinking.

Q. State whether this man was a voter in that township.—A. He was.

Q. State whether or not you saw these several parties taken off by Bitting when they returned to the polls.

(Question objected to on the ground that it assumes a certain statement of facts not testified by witness, and that it is argumentative and suggestive.)

A. I suppose I did see them; I do not know whether they were all drunk or not.

Q. State whether or not when these parties were first taken off by Bitting they were under the influence of spirituous liquors.—A. I saw no sign of it.

Q. State, if you know, what the condition of these parties taken off by Bitting were when they returned to the polls or where the crowd was.—A. They looked like they were under the influence of liquor to me. These parties I saw with Bitting I saw drinking; I saw the effect of it on them; they were drinking off and on all day; I saw them drinking in the morning and in the evening myself.

Q. State, if you know, what is Bitting's politics.—A. He told me he was a Democrat.

Q. State, if you know, whether he, Bitting, was electioneering for John D. Bellamy on that day.—A. I could not say that he called John D. Bellamy's name, but he was electioneering for the Democratic ticket.

Q. State whether or not he, Bitting, was very active in his endeavors for the Democratic ticket that day.—A. He was; he was very oppressive; he was trying to force them to vote the Democratic ticket.

Q. State if you saw anyone else giving away spirituous liquors or doing anything else improper in influencing voters at said election.

(Question objected to on the grounds that it assumes that parties were influencing or attempting to influence voters, and there is no evidence of the fact.)

A. I never saw anybody else except him that I thought had liquor or gave away liquor.

Q. What was Bitting's condition on that day?

(Question objected to as irrelevant.)

A. He acted like a man that was drinking.

Q. Did you see anyone intoxicated at the time he voted?

(Question objected to as irrelevant and immaterial.)

A. I saw one man by the name of Hobbs, who came up with Cecil D. Powell in a buggy; he was mighty drunk.

Q. What ticket did this drunken man vote?

(Question objected to as irrelevant and immaterial.)

A. I don't know how he voted. The crowd that was standing there at the polls said he voted a Democratic ticket. When they drove up, the crowd got hold of him and conveyed him up to the stand; I know that some of them were Democrats; all that I remember were Democrats; I could not tell whether all were Democrats or not.

Q. What political party did this drunken man belong to?—A. As far as I know, he always voted a Republican ticket, until the last few years he voted a Populist ticket.

Q. Was he one of the men Bitting took off?—A. He was not.

Q. Do you know whether or not Powell had any liquor there?—A. I do not.

Q. State if you know whether Cecil Powell, the man who voted Hobbs, was drinking that day or not.

(Question objected to in so far as it assumes that the party was voted by Cecil Powell and did not express his own free choice at the polls, since there is no evidence of the fact that the party spoken of did not vote according to his own choice.)

A. I don't know; I did not see him drinking.

Q. What are Cecil Powell's politics?—A. Cecil Powell said that was the first time he voted, and that he was a Democrat.

Cross-examination:

Q. What are your politics?—A. I am a Populist; have been for six years; up to that time I voted with the Democratic party.

Q. For whom did you vote for Congress in the election held on November 8, 1898?—

A. I voted for Oliver H. Dockery.

Q. Who had a majority of the election officers in your precinct, "Western Prong," the Republicans and Populists on the one hand or the Democrats on the other?—A. There was one Republican, one Populist, and one Democrat.

Q. Were not the Republican and Populist parties in Columbus County advocating the election of Oliver H. Dockery for Congress?—A. They were.

Q. Are you a drinking man?—A. I take a drink occasionally; I do not make a habit of drinking.

Q. As far as you know, did you see, or were you reliably informed from a source satisfactory to yourself, that liquor of any intoxicating description was dealt out or given by any Republican or Populist candidate, or any supporter of the Populist or Republican party, either on the 8th day of November or just preceding that day?—A. I do not.

Q. Did anyone give you for yourself or campaign purposes, either directly or indirectly, any liquor, either on the day of election or on the days just preceding the same?—A. I drank one drink of liquor about three weeks before the election. That was not given to me for campaign purposes, that I know of.

Q. Who gave you that liquor?—A. Henry Bittings gave it to me.

Redirect:

Q. State, from your observation of the conduct of elections held heretofore, whether the election held in your precinct on the 8th day of November last was honest and fair and free from intimidation.

(Question objected to by counsel for contestee on the ground that it is thoroughly incompetent, not being in answer to any evidence brought out on cross-examination and being entirely new matter.

Objection overruled. Exception.)

A. I don't know of anything I could certify to; I heard a good deal of rumors, but I could not certify to them myself.

Q. State what these rumors were.

(Question objected to on the ground it involves mere hearsay testimony, witness having stated he knew of no irregularities or matters of like nature of his own knowledge. And further contestee by his counsel object to the question for the reason assigned in the objection to the question above.

Objection overruled. Exception.)

A. I heard these parties who were present say that they had a crowd out in the woods, keeping them away from the polls, giving them whisky. This I heard, but I don't know myself.

A. T. BULLARD.

Sworn to and subscribed before me this April 18, 1899.

A. F. TOON, *Notary Public*.

This cross-examination was conducted by contestee without waiving any of the rights arising under the protest heretofore attached.

A. F. TOON, *Notary Public*.

W. D. WOOTEN, being duly sworn, says:

I live in Western Prong Township, Columbus County, and am a voter in that township; I was present on the 8th day of November, 1898, at the voting precinct in Western Prong Township from the time the polls opened until the votes were counted out.

Q. From your general observation of elections theretofore held in your township was the last election honest, fair, and free from fraud and intimidation; and in your opinion was the will of the voters expressed at the polls?—A. I don't think it was quite a fair election, and I don't think the people had their wills at the polls. I mean by this there were men drunk there who did not know they voted or how they voted; they were so drunk they did not know they were there. They were voted by Democrats.

Q. What was the former politics of these drunken parties whom you say were voted by the Democrats?

(Question objected to on the ground that it is irrelevant and immaterial.)

A. Republican and Populist.

Cross-examination:

Q. What is your politics?—A. Republican.

Q. Have you always been a Republican?—A. I have not.

Q. How many times have you changed your political belief?—A. Once.

Q. What has been your politics for the last twelve months?—A. Republican.

Q. From what party did you change in becoming a convert to Republican party principles?—A. From the Democratic party.

Q. Have you ever believed or professed to believe in the principles advocated by the Populist party; and were you ever or did you pretend to be a Populist?—A. When the Populists and Republicans "fused" I voted a Fusion ticket; when there were three tickets in the field I voted the Republican ticket for Russell for governor.

Q. Were you a candidate for any office on the Republican and Populist ticket in the last election?—A. I was a candidate.

Q. Did you, while such a candidate, either directly or indirectly, distribute or cause to be distributed any liquor in Columbus County?—A. I gave away a few drinks two weeks before the election.

Q. Did you not, in your canvass in the lower portion of this county, take with you, in quantities small or great, certain intoxicating liquors?—A. I ordered a couple of gallons to come to Whiteville depot. It came in the evening before I arrived in the morning; a crowd had taken it out of the express office and had drunk about half of it before I got it. I did not give away more than two or three drinks.

Q. Are you a heavy or constant drinker?—A. I am not; I take a drink occasionally.

Q. Did you not, in company with Robert Rockwell, during your campaign in the recent election, take with you certain intoxicating liquor on a journey in a portion of this county, during which you spent some time, or intended to spend some time, at the house of one R. T. Stevens in Bughill Township?—A. We took some liquor, the liquor I got out of the express office. I don't know R. T. Stevens.

Q. Who had a majority of the election officers in the late election in your precinct, Western Prong—the Republican and Populist parties on the one hand or the Democrats on the other?—A. Each party had a man.

Q. Was not Oliver H. Dockery, the contestant in this cause, the candidate of the Republican and Populist parties for Congress in the election held November 8, 1898?—A. He was.

Q. Who was the Populist candidate for governor on the Populist ticket in the election of 1896?—A. W. A. Guthrie.

Q. In the election just referred to, in 1896, who was the Populist candidate for lieutenant-governor?—A. Oliver H. Dockery.

Q. Was there not some dissatisfaction among the Populists of Columbus County in the late election in regard to "fusing" with the Republican party?—A. I think there was a little wrangle in the Populist party.

Q. Was there, to your knowledge, or do you know from information of such a nature to be satisfactory to yourself, that there was dissatisfaction among certain leaders or supporters of the Republican party in this county in regard to fusing with the Populist party?—A. I was one of the leaders, and I was satisfied until I got beat. I think there was a little dissatisfaction, but it did not amount to much.

Q. Were you present at a speech made by one R. O. Spaulding, a Republican in this county, in which he bitterly opposed fusing with the Populist party; and if you were not present, have you not heard from sources satisfactory to yourself that such a speech opposing such fusion was made by R. O. Spaulding?—A. I never heard the speech, and never heard of it before.

Q. Do you know, of your own knowledge, how many parties or how many party political beliefs Oliver H. Dockery, the contestant in this cause, has advocated and stood for or has pretended to advocate and stand for?—A. I don't know.

(Counsel for contestee, without waiving any of the rights accruing under the protest heretofore filed, proceeded to cross-examine the above witness, and this notice was filed in apt time.)

W. D. WOOTEN.

Sworn and subscribed to before me this April 18, 1899.

A. F. TOON, *Notary Public*.

W. H. SELLERS, being duly sworn, says:

Q. State your age, name, and residence.—A. I am 64 years old; my name, W. H. Sellers, and reside in Columbus County.

Q. What is your politics?—A. I am a Populist.

Q. Were you present on the day of the Democratic rally at Whiteville, on Saturday, the 5th day of November last?

(Question objected to on the ground that it is suggestive, leading, and improperly framed.

Objection overruled. Exception.)

A. I was present.

Q. State whether or not one of the Democratic speakers on that occasion said, "We intend to exterminate this infernal gang—the Populists and Republicans."

(Question objected to upon the ground that it is argumentative, suggestive, leading, and incompetent.

Objection overruled. Exception.)

A. He did.

Q. State, in substance, your recollection exactly what this speaker did say.—A. He used strong and threatening language, and said they would carry the election by force or by the sword or physical power, use of firearms; would dispose of the motley gang now in control in Columbus County and in North Carolina.

Q. Was this made in a public speech?—A. It was made in a public speech on the court-house square in Whiteville. Mr. Iredell Meares, of Wilmington, N. C., said in

a public speech at the same place on Monday, the 24th day of October, 1898, during court week, that they intended to carry New Hanover County if they had to fill the Cape Fear River with the carcasses of dead negroes.

Q. About how many people were present at this Democratic rally you speak of?

(Question objected to on the ground that it involves the mere expression of opinion. Objection overruled. Exception.)

A. I suppose a thousand or twelve hundred.

Q. From what sections did these people come?

(Question objected to for the reasons assigned in the objection to the question above. Objection overruled. Exception.)

A. From all sections of Columbus County.

Q. State about how many people were present when Indell Moores made the speech you spoke of.

(Question objected to for the reasons assigned above. Objection overruled. Exception.)

A. There was quite a large crowd; I can't say how many.

Q. State from what sections these people were from.

(Question objected to.)

A. From almost every section of this county.

Q. State what was the general demeanor of the Democrats present on the day of the Democratic rally in November last.—A. It was extremely dangerous for any Populist or Republican to walk the streets on that evening. They were so anxious to fight that one Red Shirt knocked down another. The intolerance of the Democrats was almost unbearable on the streets that evening. They were cursing, fuming, and raging against the Populists and Republicans, and dogging after our candidates. On another occasion, on Saturday before court convened here on Monday the 24th day of October, 1898, one J. W. O'Neal, J. P. Cook, S. H. Bright, themselves tried to and did raise a row; I call it a Democratic riot. Mr. O'Neal at the upper end of the court-house drew his seven-shooter, a revolver, cocked it, pointed it down the court-house, cursing Populists and Republicans, calling them black-hearted, long-haired, white-skin negroes, dogging after Mr. McRackan, a Populist candidate for clerk superior court. Some one shot at Mr. McRackan, I don't know who it was. The ball struck about Mr. Maxwell's storehouse, I am informed. During the riot Mr. McRackan got into a fight with Sam Bright.

Q. State whether or not there was a gathering of Democrats in Whiteville, Columbus County, a few days after the election referred to, and if one MacKentire, a Democratic candidate for senator in this district, said that he told the people in Robeson County in his campaign before said election that the Democrats would carry the election if they had to carry it by the sword.

(Question objected to on the ground that it is argumentative, leading, and improper; and further, that it involves a speech or declaration which, if made, occurred subsequent to an election determined on November 8, 1898. Objection overruled. Exception.)

A. There was quite a gathering on that occasion and he made use of the language you read, or in substance the same thing. He made use of strong language on that occasion. His speech on that occasion was not calculated to allay the bitter feeling engendered during the campaign, but increased the animosity and prejudice among the people.

(Answer objected to on the ground that it is irrelevant, immaterial, and incompetent.)

Q. State whether or not it was generally talked through this county by Democrats that they intended to carry the election if they had to do so by force.

(Question objected to.)

A. That was my information and belief. They, the Democrats, wore red shirts, red sashes. Two days after the election a crowd came here from Williams Township to the court-house in this county with shotguns, Winchesters, and breech-loaders, and part of them walked into the clerk's office with their guns.

(Answer objected to, in that it involves matters occurring subsequent to the election determined on November 8, 1898. And counsel for contestee here insist that this answer be stricken out. Objection overruled. Exception.)

Q. State whether or not, if you know or have sufficient information to satisfy yourself, if a crowd of Democrats assembled in the town of Whiteville in the nighttime on the week after the election for the purpose of lynching one Simmons, a Methodist preacher and Republican in political belief.

(Question objected to by counsel for contestee on the ground that it is irrelevant, immaterial, and incompetent in that it involves facts, which, if they did occur, occurred subsequent to the election determined on November 8, 1898; and further, the question is suggestive, argumentative, in that it assumes that a crowd of Democrats were engaged in the so-called lynching affair, and there is no evidence of the fact that they were so engaged. Objection overruled. Exception.)

A. I have the information, but I don't think it well founded.
(Without waiving any of the rights accruing to contestee under the objection and protest to the taking of testimony, heretofore attached, counsel for contestee proceeds to cross-examine witness as follows, to wit:)

Cross-examination:

Q. Were you an officer of election in this county in the election held on November 8, 1898? And if so, please state what position you held and in what precinct you were stationed.—A. I was one of the judges of election in North Whiteville precinct, and was made chairman of the board of election.

Q. At the instance of what party were you appointed an election officer in that precinct?—A. The Populist party.

Q. What parties had a majority of the election officers in your precinct, the Republican and Populist parties on the one hand or the Democratic party on the other?—A. The Pops and the Republicans had one majority.

Q. Were you present performing your duties in your precinct on November 8, 1898?—A. I was; certainly.

Q. Who received a majority of the votes cast in your precinct on that day for Congressman?

(Question objected to on the ground that the election returns is the best evidence. Objection overruled. Exception.)

A. O. H. Dockery.

Q. Were and are you not a partisan supporter of Oliver H. Dockery.—A. I was and I am.

Q. Have you not and do you not now hold a public office at the hands of the Populist party, Republican, or Fusion party.—A. I do.

Q. Are you a married man?—A. Certainly.

Q. Are you an advocate of negro supremacy in North Carolina?—A. I am not.

Q. Is it or is it not a fact that you are now or have been living in adultery with a negro woman in this county?—A. I emphatically deny it.

Q. Is it not a fact that you are at present separated from your wife and have withdrawn all support, and this state or condition has been so for some time?—A. I live with my son for the sake of living in peace. I support my entire family and have always done it. I do support my wife. She is now living at home on my place, where she has been living for the last thirty years—ever since we moved there.

Q. Is it not a fact that just prior to the last term of court here your wife came to you at your office and in the presence of witnesses threatened to indict you in the event you did not provide for the support of herself and family?—A. She did not.

Q. Are you a member of the "motley gang" you stated in your direct examination the Democratic speaker in his speech said he would like to see exterminated?—A. I belong to the Populist party.

Q. Now, witness, is it not a fact that the row you so glowingly pictured in your direct examination as having occurred in the town of Whiteville, in which Mr. O'Neal, a Mr. McRackan, and a Mr. Bright are said to have participated, and in which you say Mr. McRackan was assaulted, was due to the fact that McRackan struck Bright with an axe handle, or some other deadly weapon, while the latter was under arrest under the influence of liquor, and is it not a fact that the so-called row or riot was confined solely to the parties named and one Cook and one Bright, a brother of the man assaulted?—A. Bright first passed the insult by calling Mr. McRackan a "damned Populist-Republican-negro-loving * * * ." As to the remainder of the question, I don't know whether Bright was under arrest or not. It was after dark. Further answering, I will say that the parties named were not all. One of Sheriff Ward's sons was in it, and he was trying to command the peace.

Q. Was there a Democratic rally in this town on the night of this occurrence or on the day preceding?—A. My recollection is there was not. A great many people came that day to register.

Q. Are you familiar with the different voting precincts in this county?—A. I am not.

Q. From your connection with politics in this county, and as a leader of the Populist party, do you know whether Williams precinct or Township is considered a stronghold of the Democratic party in this county?—A. It undoubtedly is.

Q. Do you not know of your own knowledge or from general rumor that just prior to the late election the registration books in this Democratic stronghold mysteriously or in some way disappeared and for some time were not to be found?—A. I do not know it of my own knowledge, but heard it from rumor.

Q. Now, do you not know that the armed men you say came from Williams precinct and entered the office of clerk of the court subsequent to the election were there for the purpose of seeing that the returns from Williams precinct safely reached their destination, and that a repetition of the mysterious disappearances that seemed to

affect Williams precinct, the Democratic stronghold, should not be repeated?—A. I do not know, and furthermore I do not believe it.

W. H. SELLERS.

Sworn to and subscribed before me this April 19, 1899.

A. F. TOON, *Notary Public*.

KINCEN WHITLEY, being duly sworn, says:

Q. State your age, name, and residence.—A. I am 63 years old; my name, Kinchen Whitley, and live in Whiteville, in Columbus County.

Q. Were you present during the last campaign when Buck Kitchen, a Democratic speaker, made a speech in this court-house?

(Question objected to on the ground that it is leading and improperly framed. Objection overruled. Exception.)

A. I was present.

Q. State, if you know, what he, Kitchen, said then in his speech as to how the Democrats proposed to carry the election.

(Question objected to on the ground that it is argumentative, suggestive, leading, and incompetent. Objection overruled. Exception.)

A. I came up here when he was speaking, and he said that the Democrats were going to carry this election; that if they did not carry it by ballots they would carry it by bullets. Said he was sorry there was but one colored man up here to carry the news, but the white folks would carry it.

Q. State, if you know, whether the Democrats present cheered Mr. Kitchen when he made this declaration.—A. Yes; they cheered him. Mr. Toon, a Populist, was present, and he, Kitchen, called Mr. Toon an "old baldhead," and told him to come up; that he knew his name, but would not call it.

Q. Do you know, or have you sufficient information to satisfy yourself, that a few days after the election a crowd of Democrats assembled in Whiteville, in the nighttime, for the purpose of lynching one Simmons, a negro Methodist preacher and a Republican in political belief?

(Question objected to on the ground that it is argumentative, leading, and incompetent; and further, that it involves facts which, if they did occur, occurred subsequent to an election determined on November 8, 1898; and further, for the reason there is no evidence of the fact that such action on the part of the people, if it did occur, had any political significance whatever. Objection overruled. Exception.)

A. The best of my understanding about that was when I was at the hotel that night washing up dishes I heard the bell ring and wondered what it was ringing for. On Sunday after I was at the church, Colored Methodist Church, and heard the rumor there in the church that a crowd of Democrats was going to his, Simmons's, house, and break the door down, and kill him or do something with him, I don't know what; kill him, I reckon. I heard that the crowd met at the court-house here the night when the bell rung, to go down there and break the door down and lynch him. That is the rumor I heard.

Q. Was this man Simmons active in his efforts in last campaign for the success of the Republican and Fusion ticket?—A. He was.

Q. Were you a voter in the last election?—A. I was.

(Without waiving any of the rights accruing to contestee by reason of the protest heretofore entered, attached hereto, counsel for contestee proceeds to cross-examine the witness as follows, viz:)

Cross-examination:

Q. What is your politics?—A. I am a Republican.

Q. Did anyone attempt, by fraud or violence, to prevent you from voting on November 8, 1898?—A. No.

Q. Did you vote in the election on November 8, 1898?—A. I voted.

Q. For whom did you vote for Congressman in the election above referred to?—A. O. H. Dockery.

Q. You stated in your direct examination that you had heard on a few nights subsequent to the election there was an attempt made to do violence to one Simmons, a colored Methodist preacher; now I ask you, do you not know as a matter of fact, or from information satisfactory to yourself, that the attempt, if so made, was due not to politics, but to the fact that Simmons had openly indorsed and advocated a slanderous article published in the city of Wilmington in a negro daily newspaper which vilified and outrageously slandered the purity and virtue of the white women, the wives and daughters of the farmers, the poorer classes of the white men of the South, and that this demonstration against the negro preacher you speak of was made by men of all classes regardless of politics?—A. I don't know anything about that.

Q. Is it not a fact that the colored conference which convened at Lake Waccamaw passed resolutions indorsing this slanderous article, and were you not a delegate to

that conference and voted for the adoption of that resolution?—A. No; I was not a delegate to that conference; I don't know anything about that resolution; I went there one day and came back the next.

Q. Was not the Simmons referred to above an officer in the conference held at Lake Waccamaw, and at which you state you were present only one day?—A. He was secretary.

Q. Was not the reference by Mr. Kitchen to Mr. Toon, in which he called him "Old bald head," as testified to by you in your direct examination, made in a spirit of fun, friendliness, and in entire good nature?—A. I do not know.

KITCHEN (his x mark) WHITLEY.

Sworn to and subscribed before me this 19th day of April, 1899.

A. F. TOON, *Notary Public*.

W. G. WALKER, being duly sworn, says:

Q. State your name, age, and residence.—A. My name is W. G. Walker; 45 years old, and I live in Columbus County.

Q. State what you may know, or have sufficient information satisfactory to yourself, of the action and conduct generally of the people at South Whiteville voting precinct on the 8th day of November, 1898, the day of the last general election, in Columbus County.—A. On that day I was there. About two hours after the polls opened there was one man came up, drinking, apparently, when he commenced cursing the Republicans and negroes. He said he wanted every white man to come up and vote, and all the damn negroes and Republicans to stay away—he meant those who did not vote the Democratic ticket. He went on so very boisterous, and used such insulting language that Mr. Stanly, one of the poll holders, came out of the inclosure or pen, where they were holding the polls, and took him off and talked to him. This man that was cursing had a stick, raising it up in the air and throwing it about—I mean waving it, while he was cursing. There was one fellow who came up to vote and stopped near the polls where I was standing. Some one handed him, or showed him, some Populist tickets, which he asked for, claiming he wanted to vote for some of the Populists, when another fellow came up and snatched the tickets out of his hands and placed instead in his hands a Democratic ticket, and carried him up to the polls and voted him. I did not see him vote; there was a crowd there. There was another fellow carried up there by a man, and he said he wanted to vote for some of the Populist candidates, and this fellow that carried him said "straight goods," and carried him right on to the polls, and voted him, I suppose. There seemed to be by this time a right smart drinking going on. There was a fellow there who pointed toward a buggy and told me there was some there; he said whisky. This man who told me this had been a Populist—I mean about the whisky in the buggy. He voted a Democratic ticket that day. He was pretty well in, the fellow that told me about the buggy. He said the buggy would leave presently, and so it did, and he and a crowd followed it off. Along late that evening they began to get—that is, a portion of them who were drinking—to boasting, bragging, and threatening. Along between sunset and dark, I suppose, the polls were about closed, and before the vote was counted I went to get up in my buggy, when one of the fellows commenced cursing me, and told me that I ought to die, and all such as me ought to be killed. Said he felt like he could take his gun and help to kill us. I discovered that he was drinking, almost drunk, so I drove off. I heard the next day that he had to be confined, shut up, or at least they had to take him away to keep them from fighting on that night while the votes were being counted. Through the day of the election it was rumored occasionally that the Democrats would carry the election; that if they could not carry it one way they would another. They seem to mean they would fight if they did not elect their candidates.

(This answer is objected to by counsel for contestee. Objection overruled. Exception.)

Q. From your general observation of elections was the last election in South Whiteville precinct fair and honest, and free from intimidation, and was the will of the people expressed at the polls?—A. I don't think they were. It was not.

(Answer objected to. Objection overruled. Exception.)

Q. State whether or not, if you know, or have sufficient information to satisfy yourself, spirituous liquors were generally used on the day of said election, at said voting precinct in South Whiteville Township; and if so, who had charge of it?—A. There was some used. The Democrats had it, so I was told. Some of the Democrats after that told me they drank some of it that evening and called it Democratic free liquor.

Without waiving any of the rights accruing to the contestee arising under the general protest and objection heretofore attached, the counsel for contestee proceeded to cross-examine the witness as follows:

Cross-examination:

Q. What is your politics?—A. I am a Populist.

Q. For whom did you vote for Congress in the election held November 8, 1898?—A. I voted the Populist ticket—Dockery, I guess.

Q. How many drinks of liquor did you, yourself, take on the day of the election above referred to?—A. Not a one.

Q. Did you, prior to the day of election, receive any spirituous liquors, either directly or indirectly, from any candidate or supporter of either the Populist or Republican parties, or do you know, or have you information sufficient to satisfy yourself, that liquor was distributed in this county, either directly or indirectly, by the leaders, candidates, or workers of the Republican or Populist parties?—A. I did not receive any myself, and I do not know of the Populist or Republican parties distributing any, directly or indirectly.

Q. From your knowledge and association with the Populists of this county are you prepared to state or do you mean to say that your Populist political friends can be bought to vote a ticket contrary to their political choice or belief by the persuasive eloquence of a Democratic drink?—A. It seems that some of them have been.

Q. Please give me the names of all those Populists you speak of as having been bought to vote the Democratic ticket through Democratic drinks.—A. I don't know of any names who have been bought.

Q. State, then, the names of all of those Populists you say have been persuaded to vote the Democratic ticket through Democratic drinks.—A. I am not prepared to state the names.

Q. Is it not a fact that you have the reputation in this community of being a busybody and a mischief-maker, and are you yourself not aware that this is the estimation generally in which you are held in this community?—A. I emphatically deny this charge.

Q. What was the name of the party testified to by you in your direct examination as having stated that all such as you ought to die, and he himself would only be too glad to assist you in that direction?—A. Your question is not like I said. The name of the man is Conduit; I don't know his initials. He lives in South Whiteville Township, below the election grounds, on the public road.

Q. Please give the name of the party who used to vote the Populist ticket, and from whose hands you testified a Democrat snatched away a ticket and substituted in lieu thereof a Democratic ticket in South Whiteville Township on election day, November 8, last.—They called him Stevens; I don't know his initials. He lives in South Whiteville. He is a middle-aged man.

Q. Are you not a resident of South Whiteville precinct, and do you mean to say that you are so conversant with the political beliefs of residents of your township, and yet when the question is asked for the purpose of locating a voter who by inference, at least, you state was not permitted to express his choice at the polls, you are unable to testify sufficiently to locate said voter by giving his name and surname, but take cover under the general designation of the name of "Stevens," when the community or voting precinct in which said voter resides contains many voters under the name of Stevens?—A. There are several Stevenses, but I don't know the initials of them.

Q. Please give me the names of those parties who stated to you after the election they had drunk free Democratic liquor on the day of the election.—A. J. M. Walker is the man who told me.

Q. Is J. M. Walker related to you in any way; and if so, what is the relationship?—A. He is my brother.

Q. Do you believe J. M. Walker was influenced or could have been influenced to vote against his wishes by reason of the fact that any party may have given or tendered him a drink on that occasion?—A. I don't think so.

Q. Were you ever a candidate at the hands of any party for any office? And if so, please state at the hands of what party you were run and for what position or office you were a candidate.—A. I was a Populist candidate for magistrate.

Q. Were you a candidate for any office at the hands of the Populists or Republicans, or both, in the last election? And if so, please state for what office you were a candidate.—A. I was a candidate for magistrate at the hands of the Populists.

Q. What parties had a majority of the election officers in your precinct, South Whiteville, in the last election; the Republicans and Populists on the one hand or the Democrats on the other?—A. Each party had a man.

Q. Do you mean by this that there was one Populist, one Democrat, and one Republican?—A. I do.

W. G. WALKER.

Sworn to and subscribed before me this 20th day of April, 1899.

A. F. TOON, Notary Public.

Contestant here offered subpoena marked "Exhibit M," hereto attached, in evidence.

JOHN EDMUNDS, being duly sworn, says:

(Counsel for contestee object to the examination of this witness, in addition to grounds generally and specifically set forth in the objection and the protest heretofore filed in this cause, upon the further ground that the subpoena, as appears by the indorsement of the officer executing it, was not served in the time required in section 128, Revised Statutes United States; and the objection is intended to apply to the entire subpoena, marked "Exhibit M," and for the reason assigned in the specific objection above. Objection overruled. Exception.)

Q. State your name, age, and residence.—A. My name is John Edmunds; 39 years old, and live in Fair Bluff Township, Columbus County.

Q. State what you may know, or have sufficient information to satisfy yourself, of the action and conduct of the people at Fair Bluff voting precinct on 8th day of November, 1898, the day of the last general election, in Columbus County, and also the general conduct of the people in said county during the campaign just preceding said election in regard to the manner of conducting said election.—A. There was a great deal of "bulldozing," wearing red shirts, hollowing, whooping, cursing, by Democrats; Democrats cursing Populists and most anything in their way. These threats were before the election. I never saw the Red Shirts until the day of election. There were lots of them Democrats, who threatened to take away the homes of the Populists if they voted on that day; and these threats some of them made good. I know one man, a Populist, who did not vote because his crop was threatened to be taken away from him if he did vote. He did not vote. I don't want to tell this man's name, for if I do he will lose his place as the others did. On the day of election I said to Dix Barden, a Democrat, that you fellows are paying out a lot of money; and he said there was a lot of goods sent to him and he had handed them out, and that was all he had to do with it. There was a big lot of whisky drinking there around the house, but I did not see anybody giving it out. The Democrats were the ones I saw drinking, except a few Populists, or persons who had been Populists before that, but voted the Democratic ticket that day. The drinking was going on about 40 or 50 yards from the polls. I don't know who was giving out this whisky, any more than I said to one John Powers: "You seem to have a plenty of it. I would like to have a drink. Where do you get it?" He said: "I will go in here to Emory's"—that is, Emory Williamson's storehouse, a Democrat—"and see if I can get you any. If it is not all gone I will get you some." He went in then, when three or four gathered onto him and he did not come out. I went to the door and called him. He commenced cursing me. I turned and walked off. A man by the name of Neill Edmunds, my brother, and a Populist came to me and said a Democrat who represented this county in the Senate told him to tell me that he would give me \$50 if I would not work against him in Fair Bluff Township.

(This answer is objected to. Objection overruled. Exception.)

Q. When John Powers went into Emory Williamson's storehouse and did not come out, was the crowd then in there drinking?—A. I don't know whether the crowd was drinking or not; I did not go in.

Q. State whether or not, from your general observation of elections, if the election on November 8, 1898, in Fair Bluff Township, was fair and honest and free from intimidation and the will of the people expressed at the polls, or if you have sufficient information to satisfy yourself if it was or was not.—A. It was not. These fellows, with their Red Shirt Democrats, came riding up, two tiers deep, on horseback, shouting, cursing, and the whole Democratic gang yelling till you could not hear for about five minutes; rode up, handed in their tickets, and rode back across the railroad, hitched their horses, and came back to the polls, raving and hollowing, with threats, and said they were going to carry the election, but did not say in what way they would carry it.

Without waiving any of the rights accruing to contestee under the protests and objections heretofore made, counsel for contestee proceed to cross-examine this witness as follows:

Cross-examination:

Q. What is your politics?—A. I am a Populist.

Q. For whom did you vote for Congressman in the election held November 8, 1898?—A. I voted for Dockery.

Q. What parties had a majority of the election officers in Fair Bluff precinct, the Populist and Republican parties on the one hand, or the Democrats on the other?—A. Each party had an equal number.

Q. Is it not a fact that the Republican and Populist parties were working in union in Columbus County?—A. Yes.

Q. Are you not a partisan supporter of Oliver H. Dockery?—A. I don't know that I am.

Q. Is it not a fact there was considerable dissatisfaction on the part of the Populists of this county in regard to fusing with the Republican party, and did not you

yourself strenuously oppose, in a public speech delivered in Whiteville, any such combination or action by which the individuality of the Populist party, in your opinion, was being jeopardized?—A. There was some dissatisfaction. I myself was opposed to it. I declared myself in the convention here as being opposed to fusing with the Republicans. This was in the Populist county convention.

Q. You say, Mr. Edmunds, in your direct examination, that you did not get any of Emory Williamson's liquor in Fair Bluff Township at the time referred to by you in your direct examination. Now, you do not mean to say or convey the impression that the taking of a drink that day would have either influenced you, or, as far as you know, any of your political Populist friends, or did influence any of your political Populist friends, from voting as they chose in the election held November 8, 1898.—A. As to myself, it did not influence me, but to the best of my belief it did influence a lot of votes. The reason I say this is that a lot of fellows—Democrats—kept four or five Populists, to wit, Kelly Batten, John Powers, Joe Tyce, and others all night in a house, or in the woods somewhere, and came with them next morning, the day of election, and while they—these Populists—were drunk, voted them.

Q. Are you prepared to state that these four or five Populists you name were voted against their wishes or while in such a maudlin state as to vote other than they would have done had they been sober?—A. I hear some complaints about it now—that is, in the last few days.

Q. Did any of these parties named by you as being drunk and voted tell you they had been voted on election day against their wishes and in opposition to their political belief? If so, please give their names.—A. They did not tell me so, but you can get names of persons they did tell so.

Q. Mr. Edmunds, did you not yourself, on election day or just preceding election day, get a drink or drinks from one Haynes Kellehan, or any other worker or supporter of either the Populist or Republican parties?—A. I did not.

Q. You stated in your direct examination that your brother informed you that a Democrat would give you \$50 to keep quiet and not work against him. Now, did you treat this seriously, or do you or have you cause to believe no such offer was made?—A. I don't know about the offer, but I know my brother told me so, and said he told this man he had better not say anything to me about it or he would have me to fight. My brother told me again that I could get that \$50, but I never received it and I would not have received it.

Q. Have you taken any steps to either determine the truth of this alleged offer to bribe you, or have you resorted in anyway to means to resent such an offer, if true?—A. I have not taken any steps to punish the man for it.

Q. Do you know the names of any persons who have received money from the hands of the Democratic party for the purpose of influencing their vote in the late election? And if so, please give the names of the parties who were caused or induced to vote the Democratic ticket by reasons of such money received.—A. I did not see any given; I have heard of such, but do not know the truth of it.

Q. Please give the name of the Populist you stated in your direct examination did not vote because his crop was threatened to be taken away from him if he did vote.—A. I refuse to answer this, for the reason given in my direct examination—that he would lose his crop.

Sworn to and subscribed before me this April 20, 1899.

JOHN EDMUNDS.

A. F. TOON, Notary Public.

At the conclusion of the cross-examination of John Edmunds, at 5 p. m. on April 20, 1899, court adjourned until 10 a. m. on April 21, 1899.

At 10 a. m. on April 21, 1899, court reconvened; and contestant, by his counsel, closed his case, and court adjourned at 11 a. m. sine die.

I hereby certify that the foregoing is a true record of the proceedings, with the evidence, had before me in the case of Oliver H. Dockery, contestant, against John D. Bellamy, contestee, at Whiteville, Columbus County, Sixth Congressional district of North Carolina, commencing at 10 o'clock a. m. April 18, 1899, and ending at 11 o'clock a. m. April 21, 1899. Given under my hand and seal this 21st day of April, 1899.

[SEAL.]

ALBERT F. TOON, Notary Public.

To the sheriff of New Hanover County, N. C., greeting:

You are hereby directed forthwith to subpoena the following-named persons to appear before Thomas E. Wallace, notary public, at the office of the United States district attorney, in the Federal court-house and post-office building in the city of Wilmington, N. C., then and there to testify in behalf of Oliver H. Dockery, contestant in the above-entitled cause, on Thursday, the 20th day of April, A. D. 1899, at 10 o'clock a. m., and to continue from day to day, if necessary, to wit: Albert Lamb, 1220 Prin-

cess street; Abram Fulton, 1014 Chesnut street; Geo. Bates, Twelfth and Market streets; Joe Benton, Tenth street; Robt. Lovett, 616 Eleventh street; Hamilton Hargrave, 710 South First street; Chas. H. White, 711 Grace street; A. Lockamy, 801 South Third street; J. P. Quelch; Jno. D. Taylor, "duces tecum," 319 South Third street.

You are further directed to make due returns of your action herein and hereon to me at Wilmington, N. C.

Witness my hand and notarial seal this the 13th day of April, 1899.

[SEAL.]

T. E. WALLACE, *Notary Public*.

According to subpoenas issued wherein Thomas E. Wallace, notary public, was to act in taking testimony by deposition in the above entitled cause in the United States district attorney's office, in the Federal court-house and post-office building in the city of Wilmington, N. C., on Thursday, 20th day of April, 1899, at 10 o'clock a. m., at which hour the court was called to order; whereupon, on motion of Herbert McClammy and W. B. McKoy, esq., of counsel for contestee, John D. Bellamy, esq., J. J. Fowler was associated as notary public with T. E. Wallace, notary public, for the taking of testimony proposed at this hearing, April 20, 1899; whereupon, on motion of Oscar J. Spears, counsel for contestant, it was proposed that the court adjourn until the hour of 3 o'clock p. m. for the preparation of the proper headings of purposed depositions, which was agreed to; whereupon, however, before adjournment and the leaving of the court room, Mr. McClammy stated that he wished to now file a protest against the taking of the testimony, and with the permission of the court during recess he would reduce the same to writing and file it upon the reconvening of the court.

At 3 o'clock p. m., April 20, 1899, according to adjournment, court reconvened for the taking of testimony in the above-entitled case in the United States district attorney's office, in the Federal court-house and post-office building, when the counsel for contestee, Messrs. McClammy and McKoy, filed a protest, which was made a part of these records, hereto attached and marked "Exhibit A".

By consent of counsel for contestant and contestee and the presiding notaries public, for the convenience of the taking of depositions in this cause at this hearing, court adjourned or retired to the grand jury room in the same building, and there proceeded with the business for which it assembled.

After which meeting, whereupon the motion made to desist in taking testimony in this case was passed upon by the court, who held that the appearance of McClammy and McKoy, of counsel for contestee, John D. Bellamy, in this cause, was a general appearance and not a special one, and therefore they would proceed with the taking of testimony, such appearance being sufficient even without notice served upon contestee.

On motion of counsel for contestee, a paper purporting to be a notice prepared for John D. Bellamy, contestee in this case, is presented by counsel for contestee and asked to be made a part of the record of this case and marked "Exhibit B" of this hearing. This notice was never served.

The hearing was then proceeded with and the following witnesses called and examined:

EXHIBIT A.

The contestee, John D. Bellamy, through his counsel, W. B. McKoy and H. McClammy, makes a special appearance before T. E. Wallace, a resident notary public in the Sixth Congressional district of North Carolina, in New Hanover County, together with John J. Fowler, a notary public associated with the said T. E. Wallace, under authority of law conferred by section 115 of the Revised Statutes of the United States, on the 20th day of April, A. D. 1899, in the city of Wilmington, N. C., the said John J. Fowler being also a resident notary public in the Sixth Congressional district of North Carolina, in New Hanover County. And both Oliver H. Dockery, contestant, and John D. Bellamy, contestee, being present by their attorneys, the counsel of the said John D. Bellamy, contestee, appearing specially aforesaid, and for no other purpose than to make the protest hereinafter filed, object to the taking of the depositions of any person before the said notaries whatsoever.

Wherefore the counsel for the contestee file the following protest:

The counsel for the contestee object to the taking of the testimony of the witnesses summoned before said notaries upon the following grounds:

First. That no notice whatsoever was ever served upon the said John D. Bellamy, contestee, or upon any of his counsel representing him, nor was there any notice of any kind or description whatsoever left at the residence of the said John D. Bellamy, contestee, or at his place of business; and the said John D. Bellamy, contestee, through his counsel, W. B. McKoy and H. McClammy, most seriously, strenuously, and earnestly objects to the taking of the depositions of any person whatsoever summoned before these notaries in this cause.

Second. That the said John D. Bellamy, together with the counsel who have here-

tofore represented him, are now in the city of Raleigh and at other various points in the Sixth Congressional district engaged in taking testimony in this contested election case.

Third. That section 108 of the Revised Statutes of the United States declares that the party desiring to take the depositions shall give the opposite party notice in writing of the time and place when and where the same will be taken, of the name of the witnesses to be examined, and of the name of the officer before whom the same will be taken.

The notice shall be personally served upon the opposite party or upon any agent or attorney authorized by him to take testimony or cross-examine witnesses in the matter of such contest. If by the use of reasonable diligence such personal service can be made; but if by the use of such diligence personal service can not be made, the service may be made by leaving a duplicate of the notice at the usual place of abode of the opposite party.

And the said John D. Bellamy, contestee, through his counsel, W. B. McKoy and H. McClammy, files this protest upon the grounds hereinbefore stated, and upon the additional ground that section 108 of the Revised Statutes of the United States, providing for the taking of testimony in contested election cases, has not been complied with in any particular whatsoever in the taking of the testimony of the witnesses summoned before these notaries in taking the testimony in rebuttal.

[SEAL.]

W. B. MCKOY.

[SEAL.]

H. MCCLAMMY.

APRIL 20, 1899.

EXHIBIT B.

JOHN D. BELLAMY, *Contestee, Wilmington, N. C.*

SIR: Notice is hereby given you that I shall examine in my behalf, before Thomas E. Wallace, notary public, in the United States district attorney's office, in the Federal court-house and post-office building, in the city of Wilmington, N. C., on Thursday, the 20th day of April, 1899, at 10 o'clock a. m., the following-named persons, to wit: Albert Lamb, 1220 Princess street; Abram Fulton, 1014 Chestnut street; George Bates, Twelfth and Market streets; Joe Benton, Tenth street; Robert Lovett, 616 Eleventh street; Hamilton Hagnew, 710 South First street; Charles H. White, 711 Grace street; O. Lockamy, 801 South Third street; J. P. Quelch; John D. Taylor, duces tecum, 319 Third street, at which time and place you may appear and cross-examine such witnesses if you so desire. The examination may be continued from day to day if necessary. This, the — day of April, 1899.

OLIVER H. DOCKERY, *Contestant.*

Per OSCAR J. SPEARS, *Attorney.*

On motion of counsel for contestee, John D. Bellamy, esq., to dismiss this hearing and taking of depositions upon the part of contestant in rebuttal of testimony of John D. Bellamy, contestee, after filing the protest. Then counsel for contestant introduced as evidence the returns of the sheriff of New Hanover County, Walter G. McRae, on subpoenas to him issued, and herewith returns with the papers, reciting the work of the instances at this hearing, and also introduces personally Miss Estelle Shrier and Sheriff Walter G. McRae, the sheriff of New Hanover County.

Miss Shrier, taking the stand, is examined as follows:

Neither of the above witnesses were examined.

Mr. STRAUSS, being handed the protest filed, is examined as follows:

Q. Mr. Strauss, did you prepare that paper writing?—A. Yes, sir.

Q. Where did you prepare it?—A. On typewriter in Mr. John D. Bellamy's office.

Q. Did you not prepare it under dictation from John D. Bellamy?—A. No, sir.

Q. Upon whose dictation?—A. Upon Mr. Herbert McClammy's dictation.

Q. When?—A. This morning.

ALBERT LAMB, being duly sworn, deposes and says:

Q. What is your name, your age, and your place of residence?—A. Albert H. Lamb; age 45; 1220 Princess street, Wilmington, N. C.

Q. How long have you resided in the city of Wilmington?—A. Been here about nine years.

Q. What is your business?—A. Drayman.

Q. Were you present in the city of Wilmington previous to, at, and immediately after the general election that occurred on November 8, 1898?—A. I was.

Q. Were you present at the election in your ward so occurring?—A. I was.

Q. What official position, if any, did you hold at time relating to such election?—A. I was judge of election.

Q. Did you act as judge in such election at your precinct; and if so, at what precinct?—A. I did part of the time; fifth division of the First Ward of the city of Wilmington.

Q. Will you please state how the election was conducted and passed off at that precinct on that day?—A. Well, it passed very well during the day. Well, that evening there was a great crowd came in; the lamps were all knocked off the table. Well, as soon as we got more lights—well, as soon as I could get out, I left.

Q. What kind of crowd came on you, whites or blacks, Democrats or Republicans?—A. They were whites; I do not know whether Democrats or Republicans.

Q. Did this occurrence happen before the votes were counted out, or while they were being counted?—A. It happened before they were all counted out.

Q. Was that a Republican or Democratic precinct, or the party strongest there the Democratic or Republican party?—A. Republican strongest.

Q. Did you leave before the votes were counted?—A. I did; yes, I left before they were all counted.

Q. Why did you leave before the full performance of your duties as a judge of that election?—A. I got scared, the reason I left.

Q. Were you afraid of losing your life or other serious bodily injury?

(Object to the question upon the ground that it is leading and suggestive of an answer.)

A. Well, I did not know what would happen to me.

Q. What were you afraid of?—A. Well, from the movement around there, I did not know what would happen.

Q. Are you or not afraid to freely testify in this case as a witness now?

A. I would not like to do it, sir.

Q. Are you prepared to say, of your own knowledge, whether the colored people who are Republican in politics apprehended serious trouble at that election, and whether they were afraid, many of them, to register and vote at the election referred to?—A. I could not say whether they were or not.

Q. What did the crowd that you spoke of say when they went in force upon the judges of election at the time spoken of when the lights were knocked out?—A. I disremember what they said; they were whispering and talking low; could not exactly understand.

Q. State as near as you can the number of the crowd that made this assault upon the judges or that knocked the lights out.

(Question objected to upon the grounds that the question is based on facts that the counsel assumes to be true and of which there has been no testimony.)

The court ordered, upon motion of counsel for contestee, that the response of counsel for contestant to the objection of counsel for contestee be expunged.)

A. Well, as near as I can guess it, there was about 50 or more inside of the house.

Q. About how many do you estimate to have been outside of the house acting with those inside?—A. Well, I reckon about 100 outside, or about that many; I think there were over 200 in the crowd.

Q. Were there other poll holders in that precinct who left with, before, or after you on the occasion named?—A. One had left before I did; in all, I left four.

Q. What were the politics of those you left behind?—A. Well, I don't know, sir, really what their politics were.

Q. What are you in politics?—A. I am a Republican.

Q. Were you present in Wilmington at the time of the riot that occurred here on the 10th day of November, 1898?

(Objected to by counsel for contestee upon the grounds that it refers to matters after the election and can not throw any light on this contest.)

A. I was.

Q. How many white men, if any, and Democrats were killed in that trouble, if you know?

(Objected to by counsel for contestee for same reasons assigned to the last question above.)

A. Not any that I know.

Q. How many colored men and Republicans were killed in that trouble, of your own knowledge, or reliable information that you have received satisfactory to you of its truth?

(Objected to by counsel for contestee for the same reason as above, and for the further reason that it calls for hearsay testimony.)

A. Well, I don't really know how many there was; I know one of my own knowledge.

Cross-examination:

Q. Did you vote in that election in last November?—A. I did.

Q. Had you ever been judge of election before?—A. Not in New Hanover County.

Q. Had you ever attended an election in New Hanover County before?—A. I have.

Q. Is it not usual for a good many to assemble at the voting places after the election is over and while the ballots are being counted?—A. Not in that way.

Q. I ask you if you have not seen two or three hundred or more assemble at a voting place after the election is over, while the ballots are being counted?—A. I have not; not before.

Q. Did you sign the election returns?—A. I did not.

Redirect examination:

Q. Were these men who assembled there that night all voters of that precinct or were they strangers in most part or not?—A. They were strangers to that voting precinct.

Cross-examination:

Q. Do you know all of the voters at that precinct, or voting place?—A. I don't know them all; I know some of them, and I know none of them were there that night, that I saw.

ALBERT H. LAMB.

Subscribed and sworn to before us this 20th day of April, 1890.

[SEAL.]
[SEAL.]

T. E. WALLACE,
JNO. J. FOWLER,
Notaries Public.

Court took a recess at 7 o'clock p. m., Thursday, April 20, 1890, to meet at 8.30 p. m., when, upon assembling, the following witnesses were examined:

ABRAM FULTON, being duly sworn, deposes and says:

Q. What is your name, age, and residence?—Abram Fulton; about 39, as near as I can get at it; 1014 Chestnut street, Wilmington, N. C.

Q. How long have you resided in Wilmington?—A. I have been here about twenty-five years.

Q. Did you hold any official position relating to the election that occurred in Wilmington, N. C., on Tuesday, November 8, 1893? And if so, state what position, official, that you held.—A. I did hold a position; the position was that of one of the registrars.

Q. At what precinct did you act as registrar and vote in the election referred to, if you did vote?—A. I was a registrar in the fifth division of the First Ward; yes, I voted in that division.

Q. Please relate all about the conduct of the election held at the precinct where you voted and where you acted as one of the officers of election.—A. We had a quiet election during the day, but immediately after the closing of the polls a dense crowd assembled in the house where we were counting the votes. I was calling out the tickets, and I had my back turned to the bulk of the crowd. About 9 o'clock, I think it was, I heard loud whispering behind me, and immediately after that there came a rush; put out the lights; the lamps were thrown down, made totally darkness. I wandered to the back part of the store, trying to find some way to get out. I saw I could not get out, so I waited until they lit some candles, and we went to work counting the last box—I think it was, as near as I can recollect—and I think after we got through counting the last box I came to the door and it was opened for someone to come in—I think it was—and I went out and went home. I did not go back there any more that night.

Q. Were the election returns signed by you?—A. Not that night.

Q. Were the crowd you spoke of rushing upon you composed of white men or colored men?—A. Composed of white men, sir.

Q. Are you acquainted with all or nearly all of the voters in your ward or precinct?—A. No, sir; I am not.

Q. You saw those that voted there that day, did you not?—A. Yes, sir.

Q. Was the crowd of white men that you saw that went upon you that night residents of the ward or precinct, or strangers?—A. Well, sir, I don't think that they were voters of that precinct—all of them.

Q. Were there any threats made in loud voice or sufficiently distinct to be heard by you on that occasion?

(Objection to the question by counsel for contestee upon the grounds that it is leading.)

A. I never heard any threats.

Q. What excited your apprehension and fears of violence to yourself that induced you to seek to make your escape?—A. Well, sir, the deportment of the crowd and the number there assembled made me believe that my life was in imminent danger.

Q. Were the lights extinguished by the poll holders, their friends, or the visitors that were whispering and crowding around you?—A. They were not extinguished by the poll holders, because we were trying to get through as quick as possible. I mean to say the lights were not extinguished by the poll holders nor their friends.

Q. Is your precinct, and was it at the time of the election and for previous elections, Republican or Democrat?—A. Well, it was Republican; between twenty and thirty white votes registered in that ward.

Q. About how many Republican votes were registered in the ward?—A. I think there was about 300.

Q. Was it not the strongest Republican precinct of the city, or so considered?—A. Said to be the strongest Republican precinct; I think that is what it is said to be.

Q. How many white Republicans, if any, resided in that precinct?—A. I could not say how many.

Q. Can you state about how many, in your opinion?—A. Well, there may have been about 5; in fact, I am unable to say how many.

Q. Will you state about how many colored Democrats in the precinct, if any?—A. I don't know that there is any.

Q. For whom did you vote for Congressman to represent this district at the election referred to, if for anyone?—A. I don't remember whether I voted for Congressman or not; if I did vote, I voted for Dockery, I suppose.

Q. What were the conditions as relates to political sentiment, feeling, and interest in the city of Wilmington preceding and at the election referred to? Was there great political excitement, only ordinary interest, or less than ordinary interest manifested during the time referred to?—A. Well, from what I could hear, I mean to say that there was more excitement than usual.

(Question objected to by counsel for contestee upon the grounds that it involves mere hearsay evidence.)

Q. Did or did not the political excitement in the city of Wilmington, to your own knowledge, put a great many colored Republicans in great fear and terror, and did not the racial and political feeling in the city of Wilmington run very high, culminating or resulting in a revolution by which there was a change in the city government, a printing office and press destroyed by a mob, a riot produced in which there were 7 or more colored people—men and voters—killed, and the town for a time put under military police guard?

(Question objected to by counsel for contestee upon the ground that it refers to matters that took place subsequent to the election and had no effect upon any ballot or ballots that were cast by any voter of any political parties or faith at the general election.)

A. Well, I never seen the press destroyed; I did not see any of the men that were killed; I mean to say this, that I was not there when the press was destroyed; I did not see any of the men killed, though I had reliable information that such was the case; well, there was a revolution and the city government was changed.

Q. Do you know, of your own knowledge, or by rumors satisfactory to yourself as to the truth thereof, that employees, colored Republicans voters, notified by their employers, Democrats, that if they, their employees, registered to vote in the election referred to that they would have no further use for their services as such employees?

(Counsel for contestee objects and insists that the witness can not speak except as to matters within his own knowledge.)

A. I do not know that of my own knowledge, but I seen some that said they were discharged.

Cross-examination:

Q. What time did the polls close?—A. I think, if I am not mistaken, the law required us to close at sundown.

Q. Did they close that night at sundown?—A. I think they did.

Q. Did you proceed to count the votes immediately?—A. I think we did, sir.

Q. What time of night was it that you were disturbed by the crowd?—A. Between 8 and 9 o'clock, I think.

Q. I think that you stated that you were counting the votes; please state precisely what you were doing at that time—at the time of the disturbance.—A. I think we were about to complete the counting of the judicial ticket.

Q. Was that the last box?—A. No, sir.

Q. How many more boxes were there to count?—A. I think we had the senatorial ticket.

Q. Then they had counted the Congressional box?—A. I think they had.

Q. Don't you know it?—A. I don't remember.

Q. How long have you voted in that precinct?—A. Been there three or four years.

Q. Have you voted there before?—A. I voted twice down there.

Q. Mr. Spears asked you if you signed the returns, and your answer was, not that night; I ask you now if you signed them at all; and if so, when?—A. I could not tell what day it was; the next Monday following, I believe; don't know.

Q. Did you sign them?—A. Signed them when I went down there to get the money.

Q. You stated you were a registrar; who appointed you?—A. Colonel Taylor, Col. Roger Moore, and others I don't know.

Q. Were you sworn in as an officer?—A. I was.

Q. Did you study the election law to learn what your duties as registrar was?—A. I think I did.

Q. You signed those returns as registrar—a sworn officer?—A. I signed them as a part of my duty as a registrar.

Q. The facts set forth therein were true, then; then, the returns made were true?—A. I did not stay until the returns were made.

Q. How many persons registered in your precinct?—A. Something over 300, I believe.

Q. Then you were a registrar?—A. Oh, yes; I was a registrar.

Q. Was it not 343?—A. I don't remember.

Q. About how many white people registered there?—A. I think between 20 and 30; that is what I think; I don't know.

Q. How many votes were cast there?—A. I don't remember.

Q. Do you remember if nearly all who registered voted?—A. I don't think that all registered voted.

Q. How near?—A. I could not say.

Q. State, as near as you can, about how many voted.—A. Well, I could not say; I think about 8 or 10 that did not vote, or more.

Q. How many votes did Mr. Dockery receive?—A. I could not say.

Redirect examination:

Q. Well, you were asked about signing the returns for that election; what caused you to sign it, and under whose direction, if anyone, did you sign that return?—A. Well, when we went to the court-house to be paid off, I believe, as registrar of election, a gentleman named Mr. Oldham brought it to me and told me to sign the returns, as I had not signed them, and I knew that was a part of my duty as a registrar, and I signed them.

Q. Who was Mr. Oldham; was he a Democrat or Republican, if you know, and did he hold any official position?—A. I suppose he is a Democrat; don't know; I don't know whether he held any official position or not.

ABRAM FULTON.

Subscribed and sworn to before us this 20th day of April, 1899.

[SEAL.]

[SEAL.]

T. E. WALLACE,
JNO. J. FOWLER,
Notaries Public.

JOE BENTON, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. Joseph F. Benton; 35; 1006 Tenth street, Wilmington, N. C.

Q. What is your business?—A. I keep grocery store.

Q. Did you vote in the last election?—A. Yes, sir; I voted.

Q. Did you vote for a candidate for Congress in this district; and if so, for whom did you vote?—A. Well, I don't remember who I voted for; I split my ticket, was the way I voted.

Q. What do you mean by split ticket?—A. Well, I voted different tickets; what I mean by that, voted for the Democrats and Populist, that is what I mean by split ticket.

Q. Did you hold any official position in the election that was had on November 8, 1898; and if so, what was that official position?—A. I was appointed judge of election.

Q. For which precinct?—A. Fifth division, First Ward, I think.

Q. Well, go on and state anything that occurred on that day of election.—A. Well, as far as I know, the election was very quiet; I did not see anything contrary, and after we got through counting the votes I signed the papers and sent the returns in by Henry Tietgen, who was one of the poll holders.

Q. What time did you complete the counting of the votes?—A. I don't know.

Q. About what time did you complete the counting of the votes?—A. Between 9 and 10 o'clock p. m.

Q. Were you present when the crowd came in and the lights were extinguished and the disturbance was made in the counting of the votes, as testified to by Albert Lamb and Abrain Fulton, the witnesses examined at this taking of testimony ahead of yourself?—A. Yes; I was there all the time from the beginning to the end of it.

Q. Were the lights extinguished, as testified to by the witnesses referred to?—A. Well, there were some crowd down there and during the time of counting the votes the lamp was knocked over and oil run out of the lamp and caught on the floor; the house was never directly dark, because there was a candle lit before the oil that was on the floor was extinguished.

Q. Did you see any crowd there, as spoken of and testified to by the witnesses referred to?—A. Yes, sir; there was some crowd there.

Q. What was their demeanor?—A. Well, I suppose the crowd was there to look on; there were between 9 and 12 policemen there.

Q. Can you account for so large a number of policemen there when you seemed to be impressed with the idea that the election was being so nicely conducted and everything working off in such unusually and remarkably fine trim and style; now will you explain that to me, sir?—A. I could not say what they were there for.

Q. Can you explain to me why yourself and one other, you a Pop-Democrat and he a Democrat straight, were the only poll holders left on this peaceful scene?—A. Don't know how to answer that question.

Cross-examination:

Q. Mr. Benton, you say that you were one of the judges of election and that you voted a split ticket, and that it is true that the light was turned over, but do I understand you to say that at no time during that time was the storehouse in which the election was held ever dark?—A. There was just a little oil on the floor burning, that was all.

Q. This room in which the election was held was a small room, was it not, Mr. Benton?—A. Yes, sir.

Q. You stated to Mr. Spears that there were from 9 to 12 policemen around this voting precinct, and if these policemen were not appointed under the Wright administration, which was a Republican administration, and if these policemen were not Populist and Republicans.—A. Yes, sir; they were Populist and Republicans, the biggest part of them.

Redirect examination:

Q. What is the size of that house or room in which this election was held?—A. Sixteen by twenty.

Q. What time did this police force arrive on the scene?—A. There all day, the biggest portion of them.

Q. Did they undertake to prevent the disturbance testified to?—A. No, sir; there were two of them in the store right along with the crowd. I could tell one of their names, but the other I don't know.

J. F. BENTON.

Subscribed and sworn to before us this 20th day of April, 1899.

[SEAL.]
[SEAL.]

T. E. WALLACE,
JNO. J. FOWLER,
Notaries Public.

At five minutes to 11 o'clock p. m. Thursday, April 20, 1899, the court adjourned until 9 o'clock a. m. Friday, April 21, 1899.

According to adjournment court opened at 9 o'clock a. m. Friday, April 21, 1899, when the following witnesses were called and examined:

GEORGE BATES, being duly sworn, deposes and says:

(The contestee, appearing through his counsel, objects to the further examination of witnesses upon the ground that the ninety days allowed by law for the taking of depositions in this cause has expired; further, the statutes prescribed that the examination of witnesses shall be concluded within ninety days, and this being the 21st day of April and it being conceded that the answer of the contestee was filed or served on the 21st day of January, and any testimony taken on the 21st day of April, which is to-day, will not be taken within ninety days. The contestee further says that this examination should not be proceeded with and protests against any further proceeding as being contrary to law and a useless consumption of the time of the contestee and his counsel. The contestee expressly reserves this point and does not waive this objection by being present at this proceeding and cross-examining witnesses.)

Q. What is your name, age, and place of residence and business?

(The contestant, through his counsel, admits that the examination of Bates, witness on the stand, is introduced for examination on this Friday, April the 21st, 1899.)

A. My name is George R. Bates; age, 42 years; 1122 Market street is my residence; dairy business is my occupation.

Q. Were you present at the election occurring on the 8th day of November, 1898, in the city of Wilmington, and did you vote in your precinct on that day, and did you hold any official position as an officer of that election? If so, state what it was, naming your precinct and ward.

(Objected to by counsel for contestee.)

A. I was present on election day of 8th of November. I held a position as registrar in the fifth division of the First Ward, and I voted in that election.

Q. Were you present during the day of election named, acting in your official capacity as registrar; and if so, relate all things showing the conduct of that election, including anything of an unusual character occurring before or after the closing of the polls and before the completion of the count?

(Objected to by counsel for contestee.)

A. I was present at that election and acted in the capacity as registrar, and we had a quiet election all day. Everyone that wanted to vote came and voted. There was a great many from other wards down there, and just before the polls closed there was a crowd came into the polling place and sat down, and as we counted the ballots when it came to W. J. Davis's name they objected to counting those, because they were in the wrong box, as they claimed. We proceeded then and counted the balance of the votes, and as we could not make up the returns they concluded that they would count Davis's vote, and as we started to count there was a push and the lamps were turned over and the store was in darkness except the oil that was burning on the floor. We then got candles and proceeded to count the Davis vote, which we did. And after we had counted them Mr. Davis got more votes by nearly two hundred than there were people registered in the precinct, and after the lamp was blown out the crowd all tied handkerchiefs on their arms and went through the store with pistols and guns.

Q. Was this crowd that you speak of composed of white men or colored men, and were they Democrats or Republicans, and why and how was it that the lights were put out?

(Objected to by counsel for contestee.)

A. The crowd were white men, and as far as I know they were Democrats, and the light was put out by someone pushing another against the table where the lamps were.

Q. Was there or was there not a complete extinguishment of the lights in the house at the time of the counting of the vote?

(Objected to by counsel for contestee.)

A. At no time when the votes were counted was the store in darkness.

Q. To what extent were you in darkness; or in other words, had you light sufficient to proceed with the counting?

(Objected to by counsel for contestee.)

A. I suppose we were only in darkness two or three minutes, and there was no time but what we could see to count the votes.

Q. What do you estimate the number of this crowd you speak of to have been?

(Objected to by counsel for contestee.)

A. I suppose between twenty-five to thirty-five people.

Q. What was the number, if any, of the crowd outside that appeared to have a common purpose with the crowd of twenty-five or thirty-five that you speak of as being in the house?

(Counsel for contestee objects to the question for the reason that it is leading and supposes or suggests that the witness has said that there was a common purpose between the crowd on the outside and the crowd on the inside, and that there was a crowd outside.)

A. I suppose there was between a hundred and a hundred and fifty.

Q. Mr. Bates, go on and state whether there was, to your knowledge, great political excitement during the time for the registration of voters in your precinct, and whether or not the demeanor of the Democrats of the city of Wilmington was such as to and did inspire fear and terror upon the part of the Republican voters, largely colored, of the city of Wilmington, or confidence and satisfaction upon their part?

(Objected to by counsel for contestee.)

A. I heard a great deal of talk about it, that they would not register on account of losing their positions.

Q. Mr. Bates, is it not a fact that the anxiety, fear, and terror among the colored people, largely the Republican voters of the city of Wilmington, was very great, exceeding that of any occasion in your knowledge?

(Objected to by counsel for contestee.)

A. Yes, sir; it was.

Q. Is it not a fact within your own knowledge that the political and racial feeling existing in the city of Wilmington just previous to the election was so great as to inspire apprehension in the minds, not only of the colored people, but of the white Republican leaders and certain conservative Democratic leaders and representative men as to result in an arrangement, agreement, and compact by and between such leaders as to effect an arrangement for the expressed purpose to avoid bloodshed if not murder that prevented the running of a county ticket upon the part of the Republican party in the county of New Hanover, and if you have not such knowledge by being a party to this agreement have you not information from Republican and Democratic sources, reliable and to yourself satisfactory, of the truth thereof?

(Counsel for the contestee objects to the question as being leading and irrelevant

to this cause and assumes the state of facts that has not yet been proven. Counsel for contestee further objects to the witness detailing facts which came to him from various sources and is nothing but loose talk if he has been so informed, and counsel for the contestee insists that the contestant put witnesses on the stand who know of their own knowledge of any compact or agreement, if such was entered into.)

A. I understood that there was an agreement made by which there would be no Republican county ticket run for the reasons assigned.

Q. Is it not a fact within your knowledge that the Republican party of New Hanover County had no candidate for sheriff, no candidate for clerk, no candidate for treasurer, no candidate for register of deeds, no candidate for coroner, and no candidate for any of the three offices for commissioner of the county of New Hanover, and also no candidates for members of the house of representatives of the general assembly of North Carolina, standing for election on November 8, 1898?

(Objected to by counsel for contestee.)

A. Yes, sir; I know that they had no ticket for any of those offices.

Q. Do you not know of your own knowledge that the Republican party in the county of New Hanover had no colored candidate for any office standing for election November 8, 1898?

(Objected to by counsel for contestee, being irrelevant and the useless consumption of time, in that it makes no difference either to the contestant or contestee whether a candidate for office is black or white.)

A. Yes, sir; I know that they had no candidates—colored.

Q. Is it not a fact within your own knowledge or known to you by a common rumor satisfactory to you of its reliability and truth that the intense political and racial feeling existing previous to and at the election occurring November 8, 1898, culminated and resulted in the destruction of the printing press and office containing same of one Manly, an armed revolution resulting in the change of the city government of the city of Wilmington effected in the short space of an hour or two on one night by which the Republican administration was evicted from office and a Democratic administration inducted in office for the city of Wilmington, N. C., a bloody riot in which a number of colored people were shot down and murdered because of the fact that they were colored people and Republicans in politics?

(Counsel for contestee objects, for the reason that the question calls for a conclusion of the witness and not for a fact within his personal knowledge. Counsel for the contestee insists that it is for the House of Representatives of the United States to reach conclusions in this contest and not for witnesses; that the witness should detail the fact instead of detailing a conclusion; further, that the question calls for facts and circumstances and conclusions of things transpiring after the day of election, and further, that the question is incompetent and leading.)

A. Yes, sir; I know that the press and part of the building was destroyed of one Manly. Yes, sir; I know that the city government was changed in a night. I don't know that it was changed by an armed revolution or not. Well, to my own knowledge, I don't know how it was changed. I only know what others said. I just heard that the Wright board was advised to resign, which they did, and the Democrats took charge of the city hall. I heard that colored people were shot down, but I don't know they were shot down because they were colored people or not. I think it was started from the colored man shooting one white man. That was what started the riot, I think.

Q. About how many were killed in that riot, according to your own knowledge or reliable undisputed information which you may have?

(Counsel for contestee object to the witness stating what other people have told him, or stating what he has heard as being hearsay, and insists that the contestant should put witnesses on to prove facts and not rumors and such evidence as hearsay.)

A. I seen three that were killed in the riot; that is all I seen.

Cross-examination:

Q. Mr. Bates, will you state whether any policemen were at the polls that night.—A. Yes, sir; I seen one in there.

Q. About the time of the disturbance referred to was there a policeman in there?—

A. No, sir; I never saw any.

Q. Can you state more particularly how that lamp was knocked over than you have stated? Was it knocked over by design or by some accident?—A. It was knocked over by design.

Q. Did a man have a fit there at the time?—A. Where—in the building? No, sir; I never saw a man have a fit in the building.

Q. Had you counted the Congressional box before this disturbance occurred?—A. Yes, sir; we had counted all except the Davis count.

Q. Was the registration very full in that precinct?—A. Mr. McKoy, I could not answer that question, for the simple reason that it was the first time I was ever registrar there, and there was a good many of the precinct parts taken off and added to that precinct to make it larger.

Q. Do you know how many registered in that precinct, white and black?—A. Between 300 and 350, I think.

Q. How many of these were white?—A. I think about 25 or 30.

Q. Did all, or nearly all, of those who registered vote?—A. Very nearly all, sir.

Q. How near?—A. I could not tell how many; not many, I suppose.

Q. Do you know of any person prevented from registering during the time of registration in your ward—I mean unlawfully?—A. What do you mean by unlawfully?

Q. You have a copy of the election law, and do you mean to state that you excluded people from registering who were entitled to register under that election law?—A. No, sir; I never stopped anybody from registering.

Q. Mr. Bates, did you read the Chadbourn letter?—A. No, sir; never saw it before now.

Q. Do you recognize this paper?—A. Yes, sir.

Q. The number and date of issue?—A. This is the Wilmington Messenger, dated Tuesday, October 18th, 1898.

Q. Mr. Bates, did you ever hear of such a letter being written by Chadbourn discussed?—A. I heard that Chadbourn wrote two letters, one contradicting the other.

Q. What was the substance of it?—A. I could not tell you.

Q. Mr. Bates, who received the majority of votes cast for the Congressional ticket in your precinct, Mr. Bellamy or Mr. Dockery?—A. Mr. Dockery received the majority.

Q. Was such returns made from your precinct as to show that Dockery had received the majority of votes cast at that precinct?—A. Yes, sir; I think the returns was made that way.

Q. Do you recollect the vote that Dockery received?—A. Do not.

Q. Mr. Bates, what Davis did you make reference to? (Question is withdrawn.)

Q. Mr. Bates, were these negroes killed before or after the election?—A. Killed after the election; those I saw.

Q. Did you hear of any fight or row on election day?—A. No, sir; I did not.

Q. Was it not an unusual quiet election day up to and including the time of closing the polls?—A. Yes, sir; it was.

Q. And you state that nothing occurred until after the counting the Congressional box and up to the time when you were counting the State senatorial box, which was the last box?—A. No, sir; I did not say that. We started to count that box and got as far as Davis's ticket, when some of the crowd in the building objected to that being counted. We set that box aside and went on and counted the balance of the votes.

Q. What box?—A. The box with Davis's tickets in it.

Q. Was that the box that contained the State senatorial ticket, that you set aside?—A. It was the box that contained the judicial ticket and the crowd objected to it on account, as they claimed, that the Davis ticket had no business in that box, and it was marked on that box to put it in there.

Q. What is your politics?—A. I am a Republican.

Q. How many political parties have you belonged to?—A. I never belonged to but one, sir.

Q. Did you vote the Greenback ticket?—A. No, sir; I did not.

Q. Were you appointed as a Populist or Republican registrar?—A. I was appointed as a Populist registrar.

Q. Was there also a Republican registrar appointed in that precinct?—A. Yes, sir.

Q. Did not you know that you were appointed as a Populist?—A. Yes, sir; I did.

Q. Did you not represent yourself to the power appointing you as a Populist?—A. No, sir; I did not.

Q. Did you not have it done?—A. No, sir; I did not.

Q. Did you not know, when you were appointed, that you were appointed to serve as a Populist registrar and acted in that capacity as such?—A. Yes, sir; I did.

Q. Were you not asked if you would serve in that capacity before your appointment?—A. Yes, sir; I was asked.

Q. By whom?—A. By Mr. Melton.

Q. Did not Melton inform you that it would be stated that you were a Populist in order to procure your appointment?—A. Yes, sir; he did.

Q. Did you not take the oath of office as a Populist?—A. Did I take the oath of office as a Populist? Yes, sir.

Q. Did you ever hear of a newspaper called the Record?—A. Yes, sir; I have heard of such a paper.

Q. Did you ever hear of an article published in that paper in regard to the white race?—A. Yes, sir; I read it in the Star once or twice.

Q. We present you with this copy of the Star and ask you to examine and state if this is the letter?—A. Yes, sir; this is the same thing.

Q. You note that this article has an affidavit attached, before Col. John D. Taylor. With regard to this letter being a true copy of the letter in the Record, was your answer yes?—A. Yes, sir.

(Here the counsel for contestee offers and introduces a copy of the Wilmington Messenger, of date October 18, 1898, as evidence, and marked Exhibit "C" of this taking of testimony.)

I would like also to introduce the Wilmington Messenger of date October 18, 1898, containing the resolutions of the Chamber of Commerce and the letter of Mr. Wm. H. Chadburn in the same paper and marked Exhibit "D" of this taking of testimony.)

Redirect examination:

Q. By whom were you appointed registrar of election in and for your precinct for the election referred to?

(Objected to by counsel for contestee.)

A. I was appointed by Judge W. S. O'B. Robinson.

Q. Speaking of the interference and objection of the counting of the box containing the Davis ticket, was such objection made by the poll holders or this crowd of strange visitors.

(Objected to by counsel for contestee.)

A. Objection was made by the visitors.

Q. Did you or did you not inform Mr. Melton that you were a Republican and not a Populist when he approached you to serve as a registrar of election? And if so, state.—A. When Mr. Melton came to me and asked me to serve as a Populist; I told him that I was a Republican, and he told me that made no difference; if I would serve as a Populist it would be doing a great favor for him.

(The counsel for contestee being desirous of subjecting the witness to another cross-examination, and the notaries being appealed to, decided that he was not entitled to a cross-examination of the redirect testimony.)

To which the counsel for the contestee excepts.)

GEO. R. BATE.

Subscribed and sworn to before us this 21st day of April, 1899.

[SEAL.]
[SEAL.]

T. E. WALLACE,
JNO. J. FOWLER,
Notaries Public.

Upon the conclusion of the testimony of the foregoing witness, the following papers marked Exhibit "C" and Exhibit "D," the same being copies of the Morning Star of Tuesday, October 18, 1898, and the Wilmington Messenger of the same date respectively, were offered in evidence and are hereunto attached.

Court took a recess at 1.20 p. m. to meet at 3 o'clock p. m.

According to adjournment, court met at 3 o'clock, Friday, April 21, 1899, when the following witnesses were called and examined.

A. LOCKAMY, being duly sworn, deposes and says:

(Counsel for contestee protest against the examination of this witness for the reason that no notice has been served upon the contestee or on his counsel notifying them that this witness will be examined. And here again enter the same protest as was entered yesterday evening and placed on file and marked Exhibit A.)

The witness, A. Lockamy, is introduced on April 21, 1899.)

Q. What is your name, age, and place of residence?—A. A. Lockamy is my name; 58 years of age; 801 Third st., Wilmington, N. C.

Q. Were you present in Wilmington during the months of October and November, 1898, and what was your business, if so, here during that period?

(Objected to by counsel for contestee.)

A. Yes, sir; I was on police duty.

Q. Were you a regular policeman in the service of the municipal government of the city of Wilmington during the month of October and a part of November, 1898?

(Objected to by counsel for contestee.)

A. I was not regular. I was on police duty, but was not a regular policeman.

Q. Were you on duty on the day of the riot in the city of Wilmington, November 10, 1898?

(Objected to by counsel for contestee.)

A. Yes; I was.

Q. Mr. Lockamy, please go on and relate all the facts that you observed to have occurred on the day of the riot, November 10, 1898, in the city of Wilmington, that relates to any disturbances or breaches of the peace on said day occurring?

(Objected to by counsel for contestee upon the ground for reason that incidents occurring or alleged to have occurred on November 10, 1898, has nothing to do with this contest, and breaches of the peace is no evidence of an irregularity or intimidation, or any other matter connected with the election held on the 8th day of November, and for the reason that it is incompetent, irrelevant, and immaterial.)

A. Well, I was on duty on Fourth street that morning in Brooklyn, which is a part of the city of Wilmington. Well, my instructions that morning was not to try to arrest anybody that day, but to keep as good order as I could, and look out for those two bars that was over on Fourth street in Brooklyn; they were to be opened that day at 8 o'clock, and I was there. And there came on a bunch of men with their guns, and they were gone, I suppose, fifteen or twenty minutes, and they sent for me to go to them, and I went to them and asked them what they wanted, and they told me they wanted me to move those colored people off of them corners, and I went and moved them off of one corner. I went across and tried to move them off of the other, and they told me they shouldn't move and shouldn't go anywhere, and I left them and went back across to the men who had the guns, and they asked me what they were saying to me, and I told them that they told me that I might go to hell, or where I pleased; that they were not going anywhere; that they did not need me over there, no how. And as I passed these men and they asked me what it was they were saying to me, and I told them what they said, and they said they would move them, and I just had passed the men going back down to my stand at Boesch's; then the shooting commenced.

Q. Did the firing seem to have opened from the crowd you last passed or not?

(Objected to by counsel for contestee upon the grounds for it is not for this witness to say what seemed, but what occurred; further, that the question is directed to matters occurring two days after the election, and the question is incompetent and irrelevant and immaterial.)

A. Of course; yes, all I could hear.

Q. Mr. Lockamy, was that firing the beginning of the shooting and mob work resulting in the killing of persons in Wilmington on that day?

(Objected to by counsel for contestee for the same reason as assigned to the last question.)

A. The first shooting I heard that day.

Q. Was it not conceded generally, and is it not known to you, that there was the beginning of the mob in its work of shooting and killing on that day of the riot in the city of Wilmington?

(Objected to by counsel for contestee upon the same grounds as preceding questions, and the additional ground that it makes no difference to the contestee or contestant what this witness may regard as a concession of certain facts, as they are all denied in the answer to the notice of contest.)

A. The first shooting I heard, that is all I can tell; that is the first I know, the first shooting done over there.

Q. Did or did not the shooting and killing by the mob begin there at the place mentioned by you on the morning of the 10th day of November?

(Objected to by counsel for contestee for the reason that if counsel had a chain around the witness's neck he could not lead him any more successfully, and that the question is absolutely incompetent, irrelevant, and immaterial. Counsel for the contestant having amended his question, counsel for the contestee still insists that it is leading and irrelevant.)

A. It did commence there, the men that were killed that day.

Q. Do you know how many men were killed in the city of Wilmington on the day of the riot, November 10, 1898?

(Objected to by counsel for contestee, as the question being incompetent, irrelevant, and immaterial.)

A. Do you mean to my own knowledge? There was two killed there; I know I saw that many.

Q. Was those killed white or black?

(Objected to by counsel for contestee upon the grounds that it is incompetent and immaterial.)

A. Colored.

Q. How many were reported to have been killed that day?

(Objected to by counsel for contestee.)

A. Coroner gave in 7, I think.

(Counsel for the contestee objects to the answer for the reason that the coroner's report is the best evidence as to what it contains.)

Q. How many are reported to have been killed that day?

(Objected to by counsel for contestee as being incompetent.)

A. Well, I told you that the coroner said 7; on the inquest he said 7.

(Same objection to the answer by counsel for contestee as to that of the preceding answer.)

Q. Mr. Lockamy, I did not ask you what the coroner stated, as you must know from my having repeated the question to you. Now please state what was reported generally in the city of Wilmington as the number of persons killed here on that day of the riot that occurred November 10, 1898?

(Objected to by counsel for contestee for the reason that the question is leading and asks for rumor when there has been no proof of a substantial nature how many were killed, if any, and what the rumors are; and further, that it is leading, irrelevant, and immaterial and hearsay.)

A. Well, now, you want me to state hearsay; well, now, I heard several reports; why, yes; some said 10, some said 15, but I don't know some had more than that; I don't know how many they had; I know I heard two or three reports, but on the inquest report the doctors and coroners could not parade but 7.

Q. Was the crowd spoken of by you as demanding the dispersion of the two crowds of colored people white or black men, and armed or unarmed?

(Objected to by counsel for contestee.)

A. They were white men, and armed.

Cross-examination:

Q. Did you not state, on your direct examination, that there were two crowds of colored men on Fourth street at the place you speak of occurred, and that the shooting began, as far as you could ascertain, simultaneously from both sides, and then after changed your answer to that question? Answer yes or no, please.—A. No; I did not say that it was on both sides.

Q. Did you not state that it began at once?—A. Yes.

Q. Now, which crowd was it that told you you could go to hell or go home?—A. Colored people.

Q. Where did you go?—A. Went on about my business.

Q. Under whom were you appointed a policeman, or special policeman, the Republican board or Democratic board?—A. Republican board.

Q. And you state that the Republican board of aldermen, or the Republican mayor, or your superior Republican officer instructed you to make no arrests on that day?—A. That is what he done.

Q. Who was that?—A. Chief Melton.

Q. He was chief of police of the city of Wilmington, was he not, at that time?—

A. Yes.

Q. And you state that you were unable to disperse the two crowds of colored men in that vicinity?—A. I scattered one crowd, but the other I could not.

Q. Why did you not scatter the other crowd?—A. There was too many of them.

Q. Were they defiant to your authority or not?—A. They would not leave when I told them. They said they would not do it. They said they were not going anywhere.

Q. Did you have your official badge in sight, showing you were an officer of the law?—A. I did.

Redirect examination:

Q. At what time did this opening of fire by the mob occur on November 10, 1898; before or after the destruction of Manly printing press and office?

(Objected to by counsel for contestee on the grounds that it is immaterial, irrelevant, and incompetent, in that it involves matters occurring subsequent to an election determined on the 8th day of November, 1898; and further, in that it had no political significance whatever; and for further reason that there was nothing new drawn out by counsel for contestee in their cross-examination calling for an explanatory reply on redirect.)

A. Afterwards; I suppose it was about 11 o'clock—in the neighborhood of 11 o'clock.

A. LOCKAMY.

Sworn and subscribed to before us the 21st day of April, 1899.

[SEAL.]
[SEAL.]

T. E. WALLACE,
JNO. J. FOWLER,
Notaries Public.

CHARLES H. WHITE, being duly sworn, deposes and says:

(Counsel for contestee protest against the examination of this witness, for the reason that no notice has been served upon the contestee or on his counsel, notifying them that this witness will be examined, and here again enter the same protest as was entered yesterday evening and placed on file and marked Exhibit "A.")

The witness, Chas. H. White, is introduced on April 21, 1899.)

Q. Witness, what is your name, age, place of residence?—A. Charles H. White; 39; 903 Market street, Wilmington, N. C.

Q. Mr. White, have you seen and assisted in operating a rapid-fire gun purchased by the white people of the city of Wilmington previous to the late election which occurred November 8, 1898?

(Question objected to by counsel for contestee on the ground that it is irrelevant, immaterial, and incompetent; and further, in that it assumes a rapid-fire gun purchased by the white citizens of the city of Wilmington, if so purchased, was used and operated prior to November 8, 1898, and counsel for contestee insists that this question be stricken out, in that there is no evidence whatever that if such a gun was here and used it was either used or operated prior to November 8, 1898; but, to the contrary, the presence of such a gun in the city of Wilmington has been testified to as being here solely for the protection of life and property, and had no political significance whatever.)

A. Yes.

Q. What is the name and what the manufacture of the gun spoken of, and what is its greatest capacity in number of discharges per minute?

(Question objected to by counsel for contestee on the ground that it is irrelevant, immaterial, and incompetent.)

A. It is a Colt's automatic rapid-fire 6 mm. Its capacity is 420 shots a minute.

Q. How does 6 mm. stand if expressed usual word caliber?

(Question objected to by counsel for contestee on the ground that it is irrelevant, immaterial, and incompetent.)

A. 23-caliber, as near as can be expressed.

Q. When and where, naming each time and place, did you assist in operating or manipulating this rapid-fire gun?

(Question objected to by counsel for contestee, in so far as it involves matters or requires an answer from witness in reference to matters occurring subsequent to election determined on November 8, 1898; and further, on the ground that the question is immaterial, incompetent, and irrelevant in so far as it refers to matters occurring subsequent to the election occurring November 8, 1898.)

A. On or about November 1, 1898, about 5 miles down the river. Never was fired in the city of Wilmington, nor a cartridge put in it.

Q. Was this gun not brought out for the purpose of using it, should it be necessary to do so, on the day of the riot in the city of Wilmington that occurred on the 10th day of November, 1898?

(Question objected to by counsel for contestee on the ground that it involves matters occurring subsequent to an election determined on November 8, 1898; and further, the question is immaterial, irrelevant, and thoroughly incompetent.)

A. It was.

Q. Was it not carried for use near a building in the north or northwest part of the city of Wilmington, in which building there were a number of colored people, and from which, after the arrival of the gun, one or more colored people, if not all therein, did not evacuate the building and retire; and was there not one of such number of colored people who in making his flight from the building at that time shot down by some one and killed, though this gun was not on that occasion used; and if the facts as stated in the question did not occur, what facts of like nature did occur, if any, of your knowledge?

(Question objected to, first, on the ground that it is too indefinite, and further for the reasons that it is incompetent, irrelevant, and immaterial in that it involves matters which, if they did occur, occurred subsequent to an election determined here on November 8, 1898, and further for the reason that it has been repeatedly shown that the trouble occurring in the city of Wilmington in which a rapid-fire gun was used or at least present, and in which it has been testified to that one or more negroes met their death by some means, was entirely disconnected with politics, and had no political bearing whatever, but was the result of an attack made upon the white people of this town by armed negroes, and counsel for contestee insists this question be stricken out as irrelevant, immaterial, and incompetent.)

A. The gun was driven up to a building known as Manhattan Park, from which an armed body of negroes had fired on some citizens about a block away, on the 10th day of November, 1898. One of the rioters was shot while trying to escape.

Q. Was there any firing from the house by the colored occupants thereof after the arrival of the rapid-fire gun?

(Question objected to by counsel for contestee on the ground that it is irrelevant, immaterial, and incompetent in that it involves facts occurring subsequent to an election determined on November 8, 1898, and further for the reason that it had no political significance whatever.)

A. No; this man trying to escape was fired upon by the military.

Q. Were you and others in charge of the gun on this occasion members of the military force in the city of Wilmington at that time, or were you simply civilians in whose care and hands this rapid-fire gun was placed?

(Counsel for contestee object to this question on the ground that it is irrelevant, immaterial, and incompetent in that it involves matters occurring subsequent to an

election determined on November 8, 1898, further for the reason that it has no political significance whatever, and is not pertinent to the present inquiry.

Counsel for contestant enters a solemn protest against the repeating of needless and lengthy objections noted to questions on this examination, now 5.15 o'clock p. m., April 21, 1899, the last day allowed him of the 90 days to take testimony under the statute governing Congressional contested cases, as it is manifestly insisted on by counsel for the contestee for the purpose of consuming limited time allowed for the completion of taking this testimony, and notice is hereby given to the counsel for contestee that such facts shall be commented upon in an argument before the committee of the House of Representatives of the Fifty-sixth Congress having this case in consideration.

Counsel for contestee herewith in unmeasured terms deny the imputation of the counsel for the contestant that the objections by counsel for contestee were made for the purpose of unnecessarily killing time, but on the other hand counsel for contestee claim that the numerous incompetent and irrelevant questions have called forth these objections, and counsel for contestee do believe, and so believing, allege that this protest of counsel for contestant is one of the numberless ruses that have been resorted to by counsel for contestant in the conduct of this case for the purpose, if possible, of strengthening his case.)

A. I was not in the military service of the State of North Carolina; I was acting as a citizen for the protection of life and property.

(Without waiving any the rights accruing to the contestee by reason of the protest and objections heretofore filed, counsel for contestee proceeded to examine the witness as follows:)

Cross examination:

Q. For how many years have you been a resident of the city of Wilmington?—A. All my life, except a few years spent in South Carolina.

Q. Was or was not the election held in this city on November 8, 1898, as quiet and orderly as any election within your memory?—A. It was very quiet.

Q. Did you see any attempts by force or otherwise made to prevent any qualified voter from expressing his choice in the election held on November 8, 1898?—A. I did not.

Q. Do you know the character of one John R. Melton, ex-chief of police of the city of Wilmington?—A. Yes.

Q. Please give, in your own words, the estimation in which John R. Melton was held in this community, and further his general character.—A. His general character was bad.

Q. From your knowledge of the character of John R. Melton do you believe in a matter of consequence or any question involving himself you could believe him on oath?

(Counsel for the contestant object on the ground that it is immaterial, irrelevant, and incompetent, in that the personal character of one John R. Melton or any other qualified voter in the county of New Hanover can not affect the case of contestee.

In answer to the objection of counsel for contestant, counsel for contestee will state that John R. Melton was examined as a witness in the present cause at Raleigh, and that John R. Melton's veracity and general character is a matter of much moment in that he has made statements of an extravagant nature contradicting testimony of witnesses unimpeachable in character.)

A. No.

Q. Do you know the general character of R. H. Bunting, once a resident of the city of Wilmington?

(Counsel for contestant objects upon the same ground and for the same reason stated in the above question with regard to the character of John R. Melton.

Question withdrawn, the question being offered in the belief that R. H. Bunting was a witness subpoenaed in this cause, to testify at Raleigh. The contestee at this point learns otherwise.)

Q. Was the gun referred to as a rapid-fire gun in your direct examination used by you or by anyone else, to your knowledge, in the city of Wilmington on election day or any time previous to election day?—A. No; it was not.

Q. Were you instructed or did you use the rapid-fire gun, or to your knowledge was it used either on election day or any day previous thereto for the purpose of intimidating or keeping voters from the polls?—A. No; it was not. No; I was not instructed, nor was it used for the purpose of intimidating voters.

Q. Would you, if instructed, or if so instructed, which you say you were not, have used that rapid fire gun for the purpose of intimidating, terrorizing, or keeping away voters from the polls?—A. No; I would not.

Q. Is it not a fact within your knowledge, or have you not information sufficient to satisfy yourself, that the lawless conduct of the negroes of this town, and their wanton disregard and disrespect for law, and rumors of repeated threats on the part of some of them to burn property, and their repeated insults and a general feeling of

insecurity had induced a number of leading citizens to purchase this rapid-fire gun spoken of by you for the purpose of protecting life and property in the event such should be necessary?

(Counsel for contestant objects upon the ground that it is immaterial, irrelevant, and incompetent and assumes the state of facts that have as yet not been proven, and that this court has no knowledge of whatever.)

A. Yes.

(Witness is here set aside by consent with the understanding that he can be recalled by counsel for contestee for the completion of the cross-examination.)

Counsel for contestee decides to extend the cross-examination of witness no further.)

C. H. WHITE.

Sworn and subscribed to before us this 21st day of April, 1899.

[SEAL.]
[SEAL.]

T. E. WALLACE,
JNO. J. FOWLER,
Notaries Public.

The counsel for contestant here exhibited to the counsel for contestee a newspaper purporting to be the Morning Star, published at Wilmington, N. C., of date of Wednesday, November 2, 1898, and asked the counsel for the contestee if he will admit, or if they will admit, that the same is a copy of the Morning Star, of Wilmington, N. C., dated Wednesday, November 2, 1898.

Counsel for contestee in reply states that the proper course for the contestant to pursue would be the introduction of any paper contestant might wish to put in evidence. The counsel for contestee have advised counsel for contestant in the event if they wished to introduce any matter or paper of this nature to pursue the course prescribed by law.

The counsel for contestant in reply states that it was not counsel and advices needing desire, or sought by him from counsel of contestee, but the simple fact, the sole fact, the exclusive fact for an admission or denial that the newspaper presented to them was a copy and true copy of the Morning Star, as stated. He now again renews the inquiry, and asks of the counsel for contestee if they admit or deny that the newspaper presented is what it purports to be, whereupon the counsel for contestee are silent and irresponsive to the question asked, and the counsel for contestant here withdraws the request to counsel for contestee for the admission that the paper is the true copy of what it purports to be.)

JACK QUELCH, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. John P. Quelch; 23320 Red Cross street, Wilmington, N. C.

Q. Witness, I here present to you this newspaper, purporting to be the Morning Star, published at Wilmington, N. C., on Wednesday, November 2, 1898; and another newspaper, purporting to be the Morning Star, published at Wilmington, N. C., Thursday, November 3, 1898; and another newspaper, purporting to be the Morning Star, published at Wilmington, N. C., Saturday, November 5, 1898, with the request that you examine them to the extent necessary to satisfy yourself whether such are true copies of the Morning Star, as stated; and if so, to say whether or not they are such.

(Counsel for the contestee objects to the witness stating whether or no the papers handed the witness are copies of the Morning Star, for the reason that the best evidence would be the original paper or original papers. Counsel for contestee here asks to be allowed to cross-examine the witness touching his competency to testify as to whether the papers offered are the genuine and original papers issued by the Star, or whether they only purport to be such, and whether or no he is willing to swear that a printed paper is the original print, or whether it is a bogus paper gotten up by someone else.)

Cross-examination being refused, counsel for the contestee excepts.)

A. Not being the editor of the paper, I can not swear that these are copies of the Morning Star.

Q. Are you or not, and have you been or not a reader of the Morning Star, of Wilmington, N. C.?

(Objected to by counsel for contestee.)

A. I am not a reader of the Morning Star; I have never subscribed for it.

(Without waiving of rights accruing to contestant, by reason of the objections and protest heretofore made, counsel for contestee proceed to cross-examine this witness as follows:)

Cross-examination:

Q. Do you know of any attempt made by the Democratic party in this county to prevent any qualified voter from expressing his choice at the polls by reason of any

intimidating, terrorizing, or other unlawful means, either on the day of election or in the days preceding the election occurring November 8, 1898?—A. I do not.

Q. Was not the election in the city of Wilmington, county of New Hanover, as fair and open and quiet an election on the 8th day of November, 1898, as in your opinion an election could be?—A. It was.

JNO. P. QUELCH.

Sworn to and subscribed before us on this 21st day of April, 1899.

[SEAL.]
[SEAL.]

T. E. WALLACE,
JNO. J. FOWLER,
Notaries Public.

After the cross-examination of Mr. Quelch, the counsel for contestant offer a copy of the Morning Star, published at Wilmington, N. C., on Wednesday, November 2, 1898, and asked that it be filed in evidence and marked Exhibit "E."¹

He also offers in evidence a copy of the Morning Star, of Wilmington, N. C., of date Thursday, November 3, 1898, and asks that it be marked Exhibit "F" of this taking of testimony.

The contestant further offers a copy of the Morning Star, of Wilmington, N. C., of date Saturday, November 5, 1898, and asks that it be marked Exhibit "G" and made a part of the record of this taking of testimony; and the counsel for contestant offers a certificate of Thomas L. Vines, clerk of the superior court of Brunswick County, showing the votes cast in Brunswick County in the Congressional election of 1896 for Chas. H. Martin and for Jas. A. Lockhart, and for the Congressional election for the year of 1898 for the votes cast in the county of Brunswick for Oliver H. Dockery and for John D. Bellamy, and asks that it be marked Exhibit "H" of this taking of testimony and filed as a part of the record of this case.

Counsel for contestant also offers a certificate of the clerk of the superior court of Brunswick County showing the number of colored voters on the registration books of Brunswick County, North Carolina, for the year 1898, and asks that it be marked Exhibit "I" and filed as a part of the record of the evidence taken in this case.

The counsel for contestant offers a certificate of Thomas L. Vines, clerk of the superior court of Brunswick County, showing the number of white voters registered in the county of Brunswick, North Carolina, for the year 1898, and asks that it be marked Exhibit "J" of this taking of testimony and filed as a part of the evidence or record of this case at this taking of testimony.

Counsel for contestee objects to the newspapers offered in evidence which are asked to be marked Exhibits "E," "F," and "G," for the reason that they have not been proven to be the bona fide issue of the Morning Star, nor has it been proven that there was any such paper issued or circulated in the city of Wilmington or county of New Hanover; and counsel for contestee says that if the contestant desires to file such papers he should put witnesses on the stand to prove that they are the bona fide issue of such paper and that there is such a paper in circulation.

Counsel for contestee further says that the evidence offered is absolutely incompetent, irrelevant, and immaterial and shows no light upon the fact as to whether there was an open, full, free, and fair election in the county of New Hanover or in the city of Wilmington on the 8th day of November, 1898; and counsel for contestee thinks that when a contestant has to rely upon newspaper articles or alleged newspaper articles to prove the bona fide fairness or unfairness of election that the committee should consider that he is in desperate straits for evidence as to the unfairness of the election.

Counsel for contestee objects to the certificates of Thomas L. Vines, purporting to show or showing the number of votes cast for Chas. H. Martin and for Jas. L. Lockhart during the year 1896, as it sheds no light upon the question as to whether the election of 1898 was open, free, fair, and full, or whether fraudulent and evidence suppressed, being two years previous to the election of 1898, and that said certificate is no evidence that Oliver H. Dockery was as popular and received as many votes as Charles H. Martin; nor has there been any evidence introduced by contestant showing that the election in Brunswick County was not open, free, and fair, nor has there been any evidence taken showing that the contestant, Oliver H. Dockery, did not receive the benefit of the votes cast for him on November 8, 1898, in Brunswick County.

Counsel for contestee objects to the certificate of Thomas L. Vines, marked Exhibit "I," stating the number of colored voters in the county of Brunswick, and for the reason that it is incompetent, irrelevant. Counsel for contestee thinks that these certificates are filed for the purpose of showing that the contestant received all of the votes cast by the colored voters of Brunswick County, and if this is the purpose counsel for the contestee says that Congress has, in several contested election cases, flatly refused to say that all colored voters were Republicans; but whether or not this

¹Omitted in printing.

is true, counsel for contestee says that the certificate is absolutely incompetent, irrelevant, and immaterial in that it proves nothing, and there has been no attack upon the election in Brunswick County farther than the declaration, unsupported by the testimony, that the election was unfair and this statement is in the notice of contestee.

Counsel for contestee objects to Exhibit "J" for the same reason as stated to Exhibit "I."

EXHIBIT H.

The following will show the total number of votes cast for Congressman in Brunswick County, N. C., in the year 1896:

	Votes.
For Charles H. Martin	1,323
For James A. Lockhart	818

For the year 1898:

	Votes.
Oliver H. Dockery	1,205
John D. Bellamy	1,194

STATE OF NORTH CAROLINA, *County of Brunswick:*

I, Thomas L. Vines, clerk superior court of the above-named county, do hereby certify that the above is a true and correct statement of the votes cast for Congressmen in county for the years 1896 and 1898, as is shown by the original returns which are on file in this office.

Given under my hand and official seal this 21st day of April, 1899.

[SEAL.]

THOMAS L. VINES,
Clerk Superior Court.

EXHIBIT I.

The following is a statement of the registered colored voters in the county of Brunswick, N. C., for the year 1898, by precincts:

Southport precinct	141
Lockwood's Folly precinct	69
Waccamaw precinct	15
Mosquito precinct	31
Gays precinct	152
Shallotte precinct	74
Towncreek precinct	260
North West precinct	101
Mill Creek precinct	104
Dews precinct	28
Shingletree precinct	17
Governor's Creek precinct	73
Total	1,065

I do hereby certify that the foregoing is a correct statement of registration of colored voters, as per registration and poll books on file in this office.

Witness my hand and official seal this 21st April, 1899.

[SEAL.]

T. L. VINES,
Clerk Superior Court.

EXHIBIT J.

The following is a statement of the registration of white voters in the county of Brunswick, N. C., for the year 1888, by precincts:

Southport precinct	250
Lockwood's Folly precinct	174
Waccamaw precinct	237
Mosquito precinct	51
Gays precinct	28
Shallotte precinct	179
Towncreek precinct	83
Northwest precinct	119
Millcreek precinct	154
Dews precinct	123
Shingletree precinct	137
Governors Creek precinct	26
Total	1,561

I do hereby certify that the foregoing is a correct statement of the registration of white voters as per registration and poll books on file in this office.

Witness my hand and official seal this 21st day of April, 1899.

[SEAL.]

THOS. L. VINES,
Clerk Superior Court.

At 6.30 p. m., Friday, April 21, 1899, court took a recess until 7.30 p. m. According to adjournment court opened at 7.30 p. m., Friday, April 21, 1899, and the following witnesses were called and examined:

HAMILTON HARGRAVE, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?—A. Hamilton Hargrave; born 1840, May 9th; live 710 South Front street, Wilmington, N. C.

Q. How long have you resided in the city of Wilmington, N. C.?—A. I came to Wilmington in 1873 and have lived here since; from Salisbury, N. C.

Q. By whom were you employed just previous to late election, occurring November, 1898?

(Question objected to by counsel for contestee on the ground that it is irrelevant and immaterial.)

A. By Mr. Northrope; Samuel Northrope and Harris Northrope.

Q. Serving them in what manner—of work?—A. Steam lumber-mill work.

Q. How many, or about how many colored Republicans had the Northropes employed while you served them?

(Question objected to by counsel for contestee on the ground that it is irrelevant, immaterial, and further that it involves an expression of an opinion as to certain facts on the part of witness.)

A. To the best of my ability and recollection for the time they generally employed from 50 to 60—that is, with the total number of hands that generally works when he has got business enough to work. I don't mean to say that he works that many all the time. When his business is slack he knocks off some of his hands and works less hands.

Q. State about the number, as well as you can, of colored Republicans of voting age serving the Northropes during the month of October, 1898, with yourself.—A. To the best of my ability, as near as I can get at it, about 20.

Q. What are the Northropes in politics, Republicans or Democrats?—A. They are Democrats.

Q. Did they or either of them notify you and the other colored Republicans referred to in the question and answer above, that if you and they registered to vote in the election that occurred November 8, 1898, that they would have no further use for your and their services?—A. Did not in that way, sir.

Q. State what of like import, if anything, then, did occur previous to or during the time of registration of said election.—A. He brought a list down there to us, and read the list and told us if we registered—he did not say anything about voting—if you registered that you must consider yourself discharged.

Q. A list of what—of names of employees—colored Republicans serving him at the time, or not?

(Question objected to by counsel for contestee on the ground that it was argumentative, suggestive, and leading.)

A. Well, that list was only read to those colored men who was in his employ. I mean by list simply a note—there were no names of colored men on it—stating that any of the men that was under his employment registering consider themselves discharged; I mean the colored men.

Cross-examination:

Q. Hargrave, did you vote in the election held on November 8, 1898?—A. I did, sir.

Q. For whom did you vote for Congressman in the election held November 8, 1898?—A. I voted for Dockery.

Q. Did anyone on the election day referred to attempt by fraud or violence to prevent you from voting for Mr. Dockery?—A. No, sir.

Q. Are you prepared to state and do you mean to state that all of the 20 men did not vote?—A. No, sir; I did not mean to say that, nor did I say that.

Redirect examination:

Q. Were there or were there not a part of the 20 men, or about that number, who did fail to register?

(Question objected to by counsel for contestee on the ground that registration books or the parties themselves are the best evidence of the facts.)

A. Well, a part of that 20 men did not vote.

HAMILTON (his x mark) HARGRAVE.

Sworn and subscribed to before us this 21st day of April, 1899.

[SEAL.]
[SEAL.]

T. E. WALLACE,
JNO. J. FOWLER,
Notaries Public.

Court adjourned at 9.40 p. m., Friday, April 21, 1899, to meet Saturday, 22d of April, 1899, at 11 o'clock, not for the purpose of taking evidence, but for the completion of and getting ready to send the depositions to Washington.

[SEAL.]
[SEAL.]

T. E. WALLACE,
JNO. J. FOWLER,
Notaries Public.

Pursuant to the annexed notice to John D. Bellamy, in the above-entitled cause of the taking of depositions of the following-named witnesses for contestant at the United States court-house in the city of Raleigh, county and State aforesaid, to wit: R. B. Russell, J. R. Melton, W. J. Harriss, and S. H. Bryant.

I, E. J. Best, a notary public and resident of Raleigh, N. C., under authority of law conferred on me, on the 19th of April, 1899, in the city of Raleigh, both Oliver H. Dockery and John D. Bellamy being present by attorney, proceeded to take depositions of the following-named witnesses for contestant named in the notice aforesaid, to wit: R. B. Russell, J. R. Melton, W. J. Harriss, and S. H. Bryant.

Witness my hand and seal this 19th day of April, 1899.

[SEAL.]

E. J. BEST, *Notary Public.*

Oliver H. Dockery, contestant, vs. John D. Bellamy, contestee. Congressional contest; Fifty-sixth Congress. Sixth district of North Carolina. Before E. J. Best, notary public.

C. M. Busbee enters a special appearance as attorney for contestee and makes objection to the taking of any depositions under the notice annexed, upon the ground that no sufficient notice has been given the contestee of the taking of any depositions, the notice showing by the indorsement of W. G. McRae, sheriff of New Hanover County, who served the same, that it was served on April 15, 1899, and this being April 19, 1899, the five days' notice, as required by section 108 of the Revised Statutes of the United States in regard to testimony in rebuttal, has not been given; and also objecting for the further reason that under section 117 of the Revised Statutes that the witnesses summoned were not beyond the reach of subpoenas, and that their testimony can not be taken outside the limits of the Sixth Congressional district.

The notary holds upon the foregoing motion of counsel for contestee that he has no power to pass upon any exceptions made by counsel, and that his only power is to take the depositions in the cause.

Counsel for contestee excepts to the ruling of the notary and insists that under the said insufficient and invalid notice the notary has no power to proceed with the taking of any depositions under said notice, and outside the limits of the said Sixth Congressional district.

Pursuant to the annexed notice to John B. Bellamy in the above-entitled cause of the taking of depositions or the testimony of the following-named witnesses for contestant at the United States court-house in the city of Raleigh, county and State aforesaid, to wit: W. E. Henderson, Indianapolis, Ind.; J. R. Melton, Magnolia, N. C.; S. H. Bryant, Magnolia, N. C.; W. J. Harriss, Raleigh, N. C.; R. B. Russell, Raleigh, N. C.; J. T. Howe, Washington, D. C., and the manager of the Caucasian, Raleigh, N. C., I, E. J. Best, a notary public and resident of Raleigh, N. C., under authority of law conferred on me, on the 19th day of April, 1899, in the city of Raleigh, Oliver H. Dockery and John D. Bellamy both being present by attorney, proceeded to take depositions of the following-named witnesses for contestant named in the notice aforesaid, to wit: R. B. Russell, J. R. Melton, W. J. Harriss, and S. H. Bryant.

Witness my hand and seal the 19th day of April, 1899.

[SEAL.]

E. J. BEST, *Notary Public.*

R. B. RUSSELL, being duly sworn, deposes and says:

Q. What is your name and occupation?—A. R. B. Russell; editor and publisher.
Q. What is your politics and residence?—A. Republican in politics; residence, Maxton, N. C.

Q. Were you in Maxton during the campaign of 1898 and on the day of election of that year?—A. I was.

Q. Were you chairman of the Republican Congressional Committee of the Sixth Congressional district during the last campaign?—A. Yes, sir.

Q. How long have you been chairman of that committee?—A. Six years.

Q. Will you state in detail acts of intimidation practiced by the Democratic leaders and workers against Republicans and Populists in your section during the last campaign?

(Question objected to because it assumes as a fact that acts of intimidation were committed. Counsel for contestee requests the notary to state to the witness that his evidence must be confined to the facts within his own knowledge.)

The notary holds that he has no power or authority to pass upon the competency or incompetency of testimony offered by either side, but must take it down as given by the witness.

Counsel for the contestee excepts to the refusal of the notary to instruct the witness as requested.)

A. There was considerable trouble in the Sixth district prior to and up to the election. I received letters as chairman of the district from the different counties of the district that indicated that it was impossible to organize the party in the district, as had been done in previous years. In my immediate section there was considerable fear and unrest among the Republicans on account of Democratic threats and intimidation. We had no Republican speaking, owing to the fact that the Democrats refused to allow our speakers to visit that section. There was an organization in several of the counties of the district known as "Red Shirts." The object of this organization seemed to be to frighten and terrorize the colored voters. Just before the election this organization made nightly raids in various parts of the district and shot through houses, visited the houses of voters and warned them not to go near the polls on election day. Two or three colored voters were shot through houses. Two or three colored voters were severely whipped. These lived near Maxton. A few nights before the election, in Maxton, the colored voters left their homes and remained out all night. There were not more than five colored men who slept at their homes a week previous to the election a single night. On the day of the election large numbers of them did not come to the polls at all; those who did come were allowed to vote up to 12 o'clock; after that hour no colored Republican voted. The "Red Shirts" stood at the roads leading into the town and drove every negro back. He was asked his business, and if he said he wanted to vote, he was told to git. These Red Shirts were armed with Winchesters and would discharge the same in the direction of the fleeing voter, thus accelerating his speed. No negro was allowed on the street after 12 o'clock on the day of election. This refers to those who lived in town, as well as to those who lived in the country. Some few of them were a little slow in leaving the streets and they were severely punished. These facts came immediately under my own observation. For several nights after the election the state of feeling among the colored people produced by events immediately preceding the election continued. The colored Republicans refused to remain at home. On one occasion I counted 15 or 20 coming out from near my barn early in the morning. I went to the mayor of the town and asked him if he could not do something to reassure these people that no further harm would come to them. He told me to draw up a communication and submit it to him before publishing it. I did so. He approved of the communication, signed it, as did also the town commissioners. I published the same and sent out hundreds of extra copies to people all over that section. The mayor of the town asked me to act as a committee of one to go among the colored people and assure them that he would do all in his power to protect them from violence. This is about all that came under my own observation regarding the question asked.

(Counsel for contestee objects to the witness' answer because it contains evidence as to the contents of letters not introduced and incompetent in themselves and hearsay evidence and the opinion of the witness.)

Q. Did you make an appointment for a public speaking at Maxton, N. C., by Jno. C. Dancy during the last campaign?—A. I did.

Q. Were you then waited upon by a committee of Democrats? If so, state who they were and what they said.—A. Well, they sent for me one morning, and I went and they asked me to cancel Dancy's appointment there. I wanted to know upon what ground, and they replied there would be trouble and possibly bloodshed if Dancy spoke there. I canceled the appointment, as also one for Mr. O. J. Spears. I then made an appointment for Colonel Dockery to speak at Maxton; nothing was said about this appointment until the colonel arrived in Maxton on the morning of the day of the speaking. Several Democrats approached me and said that the colonel should not speak there that day; asked me not to allow him to speak. I told them that the colonel was there himself and I had no further authority in the matter and that they could consult with him. They went to his hotel and talked the matter

over. I do not know what was said there, but the colonel spoke that afternoon. Other prominent speakers, both in the State and out of the State, offered their services to speak in the district, but owing to the experience with the Dancy and Spears appointment, I declined all such offers.

(Counsel for contestee objects to the latter part of the answer because it is not responsive to the question and is concerning the contents of letters or other communications which are not introduced in evidence.)

Q. Is it not a fact that for some time previous to the election that threats against Republican and Populist voters were circulated generally throughout the district through the Democratic papers and were made by Democratic speakers and workers?

(Counsel for contestee objects to the question as leading and entirely too general in its nature, and as calling simply for the opinion of the witness.)

A. Yes, sir; that is true; for three or four weeks preceding the election there was a veritable reign of terror all over the district, brought about by the utterances of the Democratic newspapers as well as their speakers.

(Counsel for contestee objects to this answer as being simply the opinion of the witness, not being based upon any fact stated.)

Q. Do you not know it to be a fact from your observation as chairman that these threats produced among the Republican and Populist voters a general feeling of fear?

(Counsel for contestee objects to the question as leading and entirely general and indefinite in its nature.)

A. Yes, sir; that is my observation.

Q. Do you not know it to be a fact that this fear deterred many citizens from registering and many registered voters from voting?

(Question objected to because entirely leading and absolutely indefinite in its nature.)

A. Yes, sir; several such cases came under my observation.

Q. Did you hear the speech of State Senator Frank Osborn, delivered in the last legislature on the question of the Charlotte dispensary?—A. Yes, sir; I heard it.

Q. Will you state from your recollection if this article, marked Exhibit A, is practically a correct extract from that part of his speech bearing upon the constitutional amendment.

(Counsel for contestee objects to the question because it relates to a matter occurring since the election and because it is hearsay evidence, being a newspaper account of an alleged speech, and because this is evidence in rebuttal, and contestant is not at liberty to introduce any new evidence, as the contestee will have no opportunity to contradict the same.)

A. I think it is a verbatim extract.

Cross-examination by COUNSEL FOR CONTESTEE:

Q. You are a colored man, I believe?—A. Yes, sir.

Q. How long have you resided in the town of Maxton?—A. Nearly thirteen years.

Q. How long have you been editing a paper in Maxton?—A. Nearly eight years.

Q. What contributions did you receive during the campaign of 1898 from the Republican party or from any individual for either personal or political purposes?—A. I am unable to say; from time to time I issued a great many more papers than I did at other times; though special issues would contain a write up of some candidate he would order 200 copies of the paper. As to receiving any money from the Republican party as an organization, or any individual, I never received a single cent directly. As a matter of fact, I spent more in the campaign of my own personal means than I received from any source.

Q. What county is Maxton in?—A. Robeson.

Q. Is it not in one corner of the county and about 40 miles or more from the other corner of the county?—A. Yes, sir.

Q. You say you have been the chairman of the Republican Congressional committee of the Sixth district for the past six years?—A. Yes.

Q. During that time you have taken great interest in politics and been pretty active politically, have you not?—A. No, sir, I never was; I never was much of a politician.

Q. Was not, then, the failure of the Fusionists to carry the Sixth district somewhat attributable to your lack of interest as chairman in the campaign?—A. It was not, sir.

Q. What was the aggregate vote of Robeson County in the Congressional election of 1896?

(Question objected to by contestant's counsel.)

A. I can't call to mind now; but it was something like 5,000.

Q. Was it not 5,777; that is, for Martin, Fusionist, 3,622, and for Lockhart, Democrat, 2,155?—A. Those figures are probably correct.

Q. What was the aggregate vote of the county in the Congressional election of 1898?

(Question objected to by contestant's counsel.)

A. After the election was over I lost interest in it; I can't remember what it was; I have no figures at hand.

Q. Was it not 6,345; that is, for Bellamy, Democrat, 3,523, and for Dockery, Fusionist, 2,822?—A. Probably so. I know the vote was slightly in excess of the vote two years before.

Q. Is it not a matter of history that in off years—that is, years in which there is no presidential election—the vote for Congress has been usually smaller?—A. It is often the case.

Q. Does not the fact that the aggregate vote in 1898 was 568 larger than the aggregate vote in 1896 go to show that there was no effectual intimidation or suppression of the vote in the year 1898?

(Question objected to by contestant's counsel.)

A. I do not think it does. If I lived in some other section I should probably think so, but knowing the facts, I do not think so.

Q. How do you account for the large increase in the vote?—A. There was more work done of a political nature than was ever done before. There are in that county something like 600 Croatans. Only a small number of those have heretofore voted. In 1898 picnics were given there every now and then, and leaders among the Croatans were appointed to go among their people and get them to register. This resulted in bringing out the entire Croatan vote.

Q. Have not the Croatans in former elections been accustomed to voting mainly the Republican ticket?—A. The majority of them have.

Q. Did they not vote generally Democratic ticket in 1898?—A. Well, about the same proportion that voted the Democratic ticket in 1898 voted the Republican ticket in other years.

Q. About how many Croatan voters are there in the county?—A. The race is pretty badly mixed down there; it is claimed, however, that there are between 500 and 600 voters.

Q. Does not the change in the voting of these Croatan Indians, which you mentioned, largely account for the change in the aggregate vote of the county?—A. Well, that change possibly affected the result somewhat.

Q. Do you not know that nearly the entire Croatan vote was cast for Mr. Bellamy in the Congressional election of 1898?

(Question objected to by contestant's counsel.)

A. I can't say that I know the entire vote was cast for him, but he got the great majority.

Q. You said a moment ago, in accounting for the increase of 568 in the vote of 1898 over the vote of 1896, that the Democrats were more active politically in the campaign than the Republicans, and mentioned the matter of picnics; do I understand you to intimate that a picnic is in any way conducive to the intimidation or the suppression of votes?—A. I did not say that the Democrats were more active than the Republicans; as to the other part of the question, I do not know that there was any organized effort to intimidate the Croatans.

Q. Did you take any interest in the campaign of 1896?—A. Yes, sir; the same as other years since I have been chairman of this committee.

Q. For whom did you vote in the election of 1896 for governor and lieutenant-governor?—A. I voted for Oliver Dockery and William A. Guthrie.

Q. You were then acting with the Populists in that campaign?—A. No, sir; I was not.

Q. If you were not then acting with the Populists, why did you vote for the Populist candidates for governor and lieutenant-governor, instead of the Republican candidates, Russell and Reynolds, nominated by the State Republican convention?—A. I did not vote for Governor Russell because he was my personal enemy, and the feeling was entirely mutual. I had sworn that I would never vote for him, owing to a personal matter, and I kept my word and oath.

Q. Before whom did you take that oath?—A. The only Being before whom a man can take an oath.

Q. You mean you just swore to yourself?—A. Yes, sir; just to my God and myself.

Q. Did you take the same oath in regard to Lieutenant-Governor Reynolds?—A. No, sir.

Q. Why did you not vote for him, you being a Republican, chairman of a Republican Congressional committee, and he being the regular Republican candidate?—A. Well, I had nothing especially against Mr. Reynolds; I simply voted the head of the other ticket.

Q. Do you allow your personal antagonism to influence or control your action in voting or refusing to vote for the regular nominees of your party?—A. Under ordinary circumstances certainly not.

Q. In the campaign of 1896 did not Mr. Dockery, the contestant, so called, make

speeches in his campaign for free silver and for Bryan?—A. It was so reported at the time.

Q. Did not this naturally have the effect of alienating from him many Republicans who did not believe in the doctrine of free silver in his Congressional campaign of 1898, and does that not account for his loss of votes in many sections of the district? (Latter part of above question objected to by contestant's counsel.)

A. When Colonel Dockery's candidacy was first spoken of there was some opposition from those who did not agree with his views on the money question. A long time before the district convention, however, all opposition had died out. The only opposition he had at the convention was brought about by two prospective candidates. After the convention had made its choice these candidates fell in line, and if there was any more opposition from Republican sources I know nothing of it.

Q. Did not the chairman of the county Republican executive committee of Richmond, a man named Morrison, refuse to support Mr. Dockery and supported Mr. Bellamy instead?—A. Well, the gentleman to whom you refer did refuse to support Colonel Dockery because he did not get the post-office at Rockingham. He was not chairman of the Republican committee, however, at the time he voted for Mr. Bellamy. Mr. Morrison took his leap in the beginning of the year 1898.

Q. Did not Mr. Morrison take what you call his leap after Mr. Dockery had been nominated for Congress?—A. No, sir; it was before. He had nothing to do with the convention and took no part. He ceased to be a Republican when the post-office matter was settled against him up there.

Q. Had not Mr. Morrison been chairman of the county Republican committee of Richmond County for fifteen years or more, and had he not been during that period a prominent Republican in Richmond County?—A. He was chairman of the Republican committee for some years, but I don't think, however, it was as much as fifteen years. I think he came into the party about 1884; that is my recollection; certainly not further back than 1882.

Q. Did not other Republicans in Richmond County, including Mr. W. F. Long, follow Mr. Morrison in opposition to Mr. Dockery?—A. Mr. Long and Mr. Morrison are the only ones I know anything about; both were aspirants for the post-office.

Q. Did you ever hear either one of them say that their reasons for not supporting Mr. Dockery was because they failed to get the post-office?—A. No, sir; they never said any such thing to me.

Q. Why, then, do you charge them with so unworthy a motive for their political conduct when you do not know the fact?—A. Well, circumstances point to the fact that the charge is true. They were Republicans until the post-office matter had been settled; just as soon as that had been decided they turned over.

Q. Did you take into consideration that they might have changed on account of Mr. Dockery's former political course and on account of the issues that were involved in the election of 1898?—A. Well, it really seems that it would be a little inconsistent to refuse to support Colonel Dockery because he was a silver man two years before that, and vote for Mr. Bellamy, who was known to be a silver man.

Q. Did not many white Populists in Robeson County and in other counties of the district, who were formerly Democrats, return to the Democratic party in 1898 on account of the issues in controversy in the campaign of that year?—A. I know of none personally, but I heard of some that did.

Q. Was it not your experience in the discharge of your duties as chairman of the Congressional committee of the Republican party of the Sixth district that you found that one of the sources of weakness from your standpoint as a party man that the issues in the campaign had a tendency to influence many white men who were formerly Fusionists to vote the Democratic ticket in that election?—A. That was true to some extent.

Q. Did not some colored men in Robeson County, among them a minister named King, who lives at Lumberton, oppose the election of Mr. Dockery?—A. I know of no minister at Lumberton by that name. There is a King, however, at Rowland, Robeson County, by that name, but he did not oppose the election of Mr. Dockery.

Q. Do you not know that some colored men in Robeson County opposed Mr. Dockery's election?—A. I know of some preachers there who got some Democratic money to oppose him, but the most of them voted straight.

Q. Please give me the names of the preachers who took Democratic money and then voted the other way?—A. Well, King for one; and as to Franklin, the other conspirator, I do not know how he voted, but he told me that all he wanted was the money.

Q. What do you mean by "chief conspirator"?—A. I mean that he was the chief man there that conspired to sell out the Republicans in the county.

Q. How did he sell out the Republican party when he would not "stay bought"?—A. I don't know what he told others, but he told me he was in it for the "dough."

Q. Were these Republican preachers whom you mention colored men?—A. Yes, sir.

Q. Are there many of that sort in Robeson County and in the Sixth district?—A. Fortunately, there are but few of them.

Q. That character of colored men, then, you say, are confined to Robeson County. Do you know of any such outside of that county?—A. I don't know whether that class is confined exclusively to Robeson County or not, but those I have mentioned approached me in person and told me of the deal they wanted to make.

Q. State the nature of the deal which they confided to you.—A. They said they had been promised \$500 by the Democrats if they could control a certain number of votes, I don't remember the number now; it was to be such a number as would offset the Republican majority of two years before.

Q. What did you advise them to do in regard to this so-called deal?—A. I advised them to severely let it alone. I told them that it would ruin them.

Q. And I understand you to say that they did not make the deal, but voted the Republican ticket?—A. I don't know whether all of them voted it or not.

Q. There were only two of them, according to your testimony; which one of them did not vote the Republican ticket, according to your suspicion?—A. Franklin.

Q. So you think that Franklin and some others whom he might have influenced voted the Democratic ticket?—A. There were a few who voted the Democratic ticket at Lumberton. In Maxton, to the best of my knowledge, there were 10 Democratic votes cast by colored men.

Q. Did not Dr. R. M. Norment, a lifelong Republican, canvass Robeson County against Mr. Dockery, attacking his record as a Republican on the stump?—A. Shortly after the district convention that nominated Colonel Dockery, Dr. Norment attended a Croatan picnic and made such a speech as you indicated; that was the only speech that he made in the county in opposition to Colonel Dockery—the other speeches he made were for Colonel Dockery.

Q. Did he not make speeches against Mr. Dockery at Charlotte, Monroe, Wadesboro, Whiteville, and Howellsville, or at either or any of those places?—A. I think he made a speech at Charlotte, possibly at Monroe, and, I think, at Whiteville.

Q. Was not Dr. Norment a Republican and a man of influence in his party?—A. Yes, sir; he was a Republican and a man of some following.

Q. You stated in your direct examination, in answer to a question of Mr. Dockery, that there was considerable trouble in the district prior to and up to the election, and that you found it impossible to organize the party as in previous years. Did not your trouble largely result from the issues involved in the campaign?—A. Well, no, sir; not directly. Why we could not organize we could not get our people to attend meetings; they would not leave home.

Q. Did you make any effort to organize your party in Mecklenburg County; and if so, at what time did you first make the endeavor?—A. The organization of that county was left to the chairman of the county and the county executive committee.

Q. Did you at any time go to Mecklenburg as chairman of the district committee and endeavor to organize your forces in that county?—A. I did not in person.

Q. What effort did you make to organize your forces in Anson County?—A. It is not customary with the chairman of district committees to visit the counties in his district and perfect an organization in person; he confers with the leaders, the county chairman, and executive committee, and the matter is left entirely in their hands.

Q. I did not ask you as to what was customary. I asked the direct question as to what you did as chairman of the Republican executive committee of that district to organize your forces in the county of Anson?—A. I did the same in Anson as I did in all the other counties in the district. I furnished the county chairman, as well as a member of the committee, with the literature of a political nature, and corresponded with them regularly and advised them as to the best means of organizing to bring about party success.

Q. You say in answer to my question a moment ago that you conferred with the leaders, the county chairman, and the county executive committee of Anson County. State when and where such conference was had and who was present.—A. It was had in Rockingham; I don't remember the date; the county chairman was there, and a member of the committee, and two other Republicans from Anson.

Q. When was that conference had—after the campaign had begun or after. I will ask how long after Mr. Dockery was nominated?—A. It was not long; I don't remember.

Q. Did you have any other conference with these parties after that? If so, state when and where.—A. Yes, sir; we met again here in this city shortly; I don't remember how long afterwards.

Q. And that was all the conferences you had with them?—A. Yes, personally.

Q. What effort did you make to organize your forces in Union County?—A. The same as I did in other counties in either end of the district.

Q. Then I understand you to say that you did not personally go into either Mecklenburg, Anson, or Union counties for campaign purposes?—A. Well, then, you misunderstand me; I did not say that.

Q. Please state, then, when you went into these counties and what exertion you made in them, or either one of them, in the interest of your party.—A. Well, I can't

recall the date of any of them. I was in Mecklenburg possibly ten times during the campaign; in Union twice. On all of these occasions I would see the leaders in the county, the county chairman, and especially the member of the district committee, and we would go over the situation thoroughly; there were no dates set for these meetings or conferences. When I could conveniently get away from home I would visit some one of the counties in the district.

Q. Have you not heretofore testified that you did not go to Mecklenburg in person, and that it is not customary for the district chairman to visit in person the counties in his district?—A. I mean by that I had no particular time to go—no time set.

Q. Did you visit during the campaign Columbus County or other counties in the lower part of the district? If so, state when, if you can.—A. I can not state when, but I visited all the counties in the district except Brunswick and Pender.

Q. In your direct examination you stated that you received certain letters as chairman of the district. Please produce them.—A. I don't know where they are; I did not keep copies of them.

Q. What did you do with the originals which you received?—A. They were thrown in the wastebasket, I presume.

Q. You state that in your immediate section there was considerable fear among the Republicans on account of Democratic threats and intimidation. Please state one Democrat who, within your own knowledge, threatened or intimidated a Republican. Give his name, the name of the Republican, what he said to him and where he said it.—A. Well, if it is to name any particular Democrat I decline to answer it.

Q. Did you ever hear with your own ears one Democrat threaten or intimidate a Republican?—A. Yes, sir.

Q. Who was he, and what did he say?—A. I don't know the language used particularly, but it was said he intended to carry the election if he had to kill every negro to do it.

Q. I ask you who was the person who said this?—A. I decline to answer.

Q. To whom was it said?—A. To myself, on several occasions.

Q. Did you vote?—A. I did.

Q. Did you vote the Republican ticket?—A. I did.

Q. So the statement which this Democrat made to you did not prevent you from voting?—A. It did not.

Q. Now, please state the name of some other Republicans to whom any threat or other intimidation was made.—A. There was a man, Randall Smith by name; he was whipped severely and was told if he voted he would be killed. I did not hear this said to Randall, but I was sent by leading Democrats to Randall's house to assure him that he would not be further molested. I saw scars on him that he said was caused by the punishment he received. He did not vote.

Q. What you testify in regard to what was said to Randall Smith, you do not testify of your own knowledge, but according to what he, Randall, said to you?—A. Randall and others told me so.

Q. My question in regard to this matter was as to what you know of your own personal knowledge. I will ask you again do you know, of your own knowledge, any threat or intimidation made by any Democrat to a Republican to prevent him from voting; if you do, give the name of the Democrat and of the Republican. I ask you to answer this question only in accordance with your own personal knowledge?—A. I saw an armed body of men riding through the streets, both day and night, shooting through the houses of colored people. These same colored people did not vote. It is but natural to suppose that this intimidation was the cause of their not voting.

Q. Do you mean the streets of Maxton?—A. Yes, sir.

Q. Please give me the names of the negroes upon the registration books of Maxton precinct who did not vote at the election of 1898.—A. I am not in a position to furnish the information.

Q. Give me the name of one.—A. M. L. McRae, J. D. Diggs, John Maynor, S. D. McLain. These are all the names I can recall.

Q. Do you know of your own knowledge that these men, or either one of them, were prevented from voting by reason of threats made to them?—A. I know of no other reason why they failed to vote.

Q. How many negroes were registered at Maxton?—A. I don't remember, sir.

Q. Can you not approximate the number?—A. I would not like to state unless I knew positively.

Q. You live at Maxton and you are the chairman of the Republican Congressional committee, and do you say that you can not approximate the number of negroes who were registered at your home precinct?—A. I don't keep such matters in my head. I have figures bearing on the election returns, that I always consult when necessary.

Q. What was the Republican vote cast at the Maxton box in the election of 1898?—A. I don't remember; about 16 less than the Democratic vote. In 1896 the Republican majority in the town was considerably over 100.

Q. What proportion did the Republican vote cast in 1898 bear to Republican vote registered?—A. There were possibly 75 or 80 at that precinct who registered and did not vote.

Q. Were there not a good many white men who voted at that precinct the Fusion ticket in 1896 who voted the Democratic ticket in 1898?—A. I know one to my own personal knowledge; if there are others I don't know. There may have been others.

Q. Did you see any person at Maxton who desired to vote on election day who was prevented from voting?—A. Yes, sir; I saw a good many of them. I don't know their names; they were not near enough to me to disclose their identity. They were running and some "Red Shirts" were firing after them.

Q. Do you not know that what you mention was the outcome of a fight that day in the town of Maxton and was not the result of any intimidation of any voter?—A. It was not the result of any fight. Armed men stood at all the roads leading into Maxton and voters were driven off and shot at whenever they approached. This trouble began shortly after noon. The fight to which you refer occurred just before night; just before the polls were closed, and did not amount to anything.

Q. How many negro votes were cast at Maxton election day?—A. I am unable to say; I never examined the registration book after the election.

Q. Had not a large proportion of the negro vote at that box been cast by noon?—A. A good many of those residing in town had voted, but scarcely any of those in the country had voted.

Q. My question was, had not a large proportion of the negro vote at Maxton precinct been cast by noon?—A. Possibly half had voted.

Q. Will you please tell me what Democrat or Democrats refused to allow your speakers to visit that section?—A. I don't know of any who were in favor of our speakers visiting there. As to giving the names of the gentlemen, I decline to do so.

Q. I ask you if Senator Butler was not one of your speakers and spoke at Maxton?—A. No, sir; Senator Butler never spoke at Maxton in the campaign of 1898. He spoke at Lumberton, but I had nothing to do with it.

Q. I ask you if other speeches were not made in the county by other Republicans?—A. Colonel Dockery is the only Republican who made a speech in that county. If there were any more speeches made in the county I can't recall them. The only Republican speaking was the county candidates that went around as they usually do. Dr. Norment was the principal speaker on the Republican side. The other candidates merely announced their candidacy.

Q. Did not Mr. Dockery speak at Maxton, Red Springs, Lumberton, Howellsville, and other places in the county?—A. No, sir; I don't think he spoke at Lumberton. He spoke at Maxton, Red Springs, and Howellsville. He had other engagements, but he did not fill them.

Q. Did not Steve Edmunds speak at all or nearly all of the precincts in the county?—A. I do not know, sir; he was a candidate for clerk of the court. He started on the campaign, but got sick and had to abandon it. I don't know how many appointments he missed.

Q. Did he not speak at the Croatan picnics at the same day Mr. Bellamy spoke there?—A. He did; but he was sick that day, and it is the only speech I heard him make that day.

Q. Did he not speak there for more than an hour?—A. I could not say, sir. He was speaking when I drove up. I don't know how long he had been speaking.

Q. Did you not, as chairman of the Republican Congressional committee, acting under instruction from the Republican State committee, refuse to allow Mr. Dockery to divide time with any Democratic speaker at his appointment or to accept an invitation from Democratic speakers, or anyone acting for them, to divide time at their appointment?

(Counsel for contestant objects to the question.)

A. I don't recall that I was ever asked by any Democrat for a division of time with Colonel Dockery.

Q. Did you not write a letter to Jas. G. Covington declining to allow a division of time at Monroe?—A. I did not. I had no communication at all from Mr. Covington in regard to the matter. I saw it in the papers is all I know about it. I think, however, Mr. Covington must have addressed his letter to the chairman of the Populist committee of the district. It certainly was not addressed to me, and I know nothing of it except what I saw in the papers.

Q. Were you not instructed or advised by the Republican executive committee or central committee at Raleigh not to allow a division of time with Democrats?—A. No, sir; I don't think I received any instruction of that nature whatever. So far as Colonel Dockery was concerned, he had the power to act in the matter as he saw best.

Q. I ask you if you do not know that at Monroe Mr. Dockery declined an invitation to divide time, and referred the matter to you?—A. He did not, for I was not there. He never wrote me a scratch regarding the matter. If any such letters passed they went to the—

Q. Do you not know that the Republican executive committee at Raleigh passed a resolution recommending that no division of time be had between the Republican and Democratic speakers?—A. Yes; there was some such action as that taken.

Redirect:

Q. In your cross-examination did the counsel for the contestee ask you anything about the Declaration of Independence?—A. He did not.

Q. Was there an entirely new registration in Robeson County in the last election?—A. I don't remember.

Q. You stated that the Democrats of that county were unusually active in their canvass. Did you mean to say that the Republican leaders were not active?—A. I did not.

Q. Were they active as well?—A. They were.

Q. You draw the inference then that because of this Democratic activity they brought out their entire vote after having it registered?—A. Yes, sir.

Q. Was it because of these acts of intimidation, the nature of threat, etc., which you detailed in your direct examination, that the Republican leaders were unable to get out their vote or to have it registered to a large extent?

(Counsel for contestee objects to the question on the ground that the question is particularly leading.)

A. That was undoubtedly the cause.

Q. From your observation, how many citizens failed to register in Robeson?

(Question objected to by counsel for contestee.)

A. I do not know that I made any estimate as to the probable number that failed to register, but I would suppose, to the best of my knowledge, that there were possibly something like one thousand in the county who did not vote.

Q. Judging from the activity of the Democratic leaders and the conditions surrounding the Republican leaders, what percentage of these were Republicans?

(Question objected to.)

A. I should say, to the best of my knowledge, nine-tenths of them were Republicans.

Q. Was it not a notorious fact or a matter of history of the last campaign that many of the Croatan leaders were offering their services to both parties for money?

(Question objected to by counsel for contestee.)

A. Yes, sir; that is true.

Q. Was it not a matter of history of the last campaign that many of them offered their services to you, as chairman of the Republican committee, for pay, and upon being told that you had no money to spend, did they not work afterwards for the Democratic ticket?

(Question objected to by counsel for contestee because it is leading and too general in its nature, and because it is new matter.)

A. Yes, sir; that is true.

Q. You were asked in your cross-examination about the desertion from the Republican party of D. M. Morrison and W. F. Long. Is it not a fact that both these men were applicants for appointment as postmaster at the town of Rockingham? Is it not a fact that upon the appointment of A. M. Long, a brother of W. F. Long, to that position both of these men declared they were Democrats?

(Question objected to as leading.)

A. Yes; that is true.

Q. Is it not a fact that this desertion on the part of these two men occurred some weeks before the Congressional convention which first nominated O. H. Dockery for Congress, and before it was known that he would be nominated?

(Question objected to as leading.)

A. Yes; it is true.

Q. Is it not only incorrect that he deserted the candidacy of Dockery alone because of his silver views, but that he supported the entire Democratic ticket, including Mr. Bellamy, who also entertained free-silver views?

(Question objected to because leading and because it puts the counsel for contestant of testifying himself.)

A. Yes, sir; he did.

Q. Is it not a fact that W. F. Long fought the entire Republican ticket, including his brother Z. F. Long, who was the Republican candidate for clerk of the court?

(Question objected to as leading.)

A. That is true.

Q. You were asked in your cross-examination if Dr. R. M. Norment did not make speeches against Dockery. Is it not a fact that Dr. Norment was a candidate on the Republican ticket for the State senate, and that he canvassed the counties of Robeson and Columbus, not only for Dockery, but the entire Republican ticket?

(Question objected to as leading.)

A. Yes; that is true.

Q. You stated in your cross-examination that a few colored men voted the Democratic ticket at Lumberton and about ten at Maxton. Is not this the case more or less at every election?

(Question objected to as leading.)

A. That is true in every election.

Q. In your cross-examination you declined to give the names of some Democrats at Maxton who threatened colored voters and of the Democratic committee who stated to you that no Republicans could speak at Maxton. Do you object to explaining why you declined to give these names?—A. Maxton is my home. I have property interest there. The people of Maxton are my friends in anything except politics, and I would not say anything that would bring into disrepute the name of a single citizen of Maxton, unless I was forced to do so, or unless the exigency of the case demanded it.

Recross by COUNSEL FOR CONTESTEE:

Q. In your answer to Mr. Dockery you state that certain of the Croatans offered their services to you for money. Please name the persons who made this offer and state when and where the same was made?

(Question objected to by contestant because it has no reference to new matter brought out in the redirect examination.)

A. The offers were made in my office in Maxton; the names of the Croatans, however, I decline to give.

Q. Have you any property in the Croatan settlement or any intimate friends among the Croatans whom you do not desire to bring into disrepute?

(Question objected to by contestant.)

A. I own no property among the the Croatans, but I have a great many friends among them.

Q. Is it for the purpose of shielding your friends who made you the offer mentioned that you decline to give their names?

(Question objected to by contestant.)

A. The fact they came to me was purely a personal matter, no third party knew anything about it, and it would ill become me to disclose their names at this late day.

Q. I do not understand you to testify that any of these Croatans made any similar offer to any other person?

(Question objected to.)

A. I do not know whether anyone else was approached in a similar way or not.

Q. You stated to Mr. Dockery that you supposed there were possibly something like 1,000 in the county who did not vote at the election in 1898. Please state the facts upon which you base this supposition.

(Question objected to for reasons given in the objection to the first question of the recross-examination.)

A. After the election was over I made diligent inquiries as to how many Republicans voted, and I should judge from the number I interviewed that possibly 1,000 told me that they did not vote. If they did not tell me directly, one voter would name 15 or 20 of his immediate section who did not vote, and my conclusion is based on information received by such means.

Q. As a result of your diligent inquiries, did you ascertain what was the registered vote of the county?—A. No; I don't know the registered vote.

Q. Did you examine, in the pursuit of these diligent inquiries, the various registration books of the different precincts in the county?—A. My answer to that question is the same as it was to a similar one already asked, namely, I did not consult the registration book after the election.

Q. Then your estimate is a mere guess, predicated upon what certain people said to you?—A. As I stated before, my opinion is based upon information gained along the lines already indicated, namely, the questioning of persons from time to time.

Q. Did not the Fusionists—that is, the Republicans and Populists, who were acting together—have control of the registration and the election machinery of the county?—A. There was an equal number election officers of both parties.

Q. Do you mean to say that only two parties were represented on the various precinct boards of election of the county, consisting of the registrar and poll holders at each precinct, and that these boards were equally divided between the Democratic and Republican parties?—A. They were not divided between the Democratic and Republican party, but they were divided among the three parties.

Q. I understood you to say that there were only two parties represented on these election boards. I understand you now to say that there were three parties represented—Democratic, Republican, and Populist. Were not the Republican and Populist representatives on these boards, and who acted together, in the majority?—A. On the theory that two is a majority of three, they had a majority, if they had been disposed to vote together; but they did not do so in Maxton Township. The Populists voted with the Democrats.

Q. Did not other Populists in the county follow the example of the Populists on these election boards and also vote with the Democrats?—A. I know of no other Populists in the county that voted with the Democratic member of the board.

Q. I mean, did not other Populists in the county follow the example of those on the election board and vote the Democratic ticket?—A. I know of only one Populist on the election board who voted with the Democratic member, and if his example was followed by any great number of Populists on the day of election I am not in a position to know it.

Q. Then I understand you to say that the Populists who voted with the Democrats were, in your opinion, only those who happened to be members of the various precinct boards of election?—A. I did not make that statement.

Q. You stated in response to Mr. Dockery that you declined to give the names of the Democrats in Maxton who threatened you, as you testify, because you would not say anything that would bring into disrepute the names of a single citizen of Maxton. Do you not think that it would be better to give the names of the one who made the actual threat than to cast a slur upon the entire community?—A. I have never stated that I was threatened. I stated that white men had told me that they would carry the election or kill every negro, but I did not take it as a personal threat to me. As to singling out any particular man from among the rest, that would be impossible. All thought alike and acted alike in that campaign.

(All the above questions in the recross-examination are objected to upon the ground given in the objection to the first one.)

Redirect:

Q. Have you intended to convey in any part of your examination the idea that the intimidation practiced in the county of Robeson was practiced by the precinct election boards as constituted in the manner above described by you?

(Question objected to as leading.)

A. Decidedly not.

R. B. RUSSELL.

Sworn to and subscribed before me this 19th day of April, 1899.

[SEAL.]

E. J. BEST, Notary Public.

J. R. MELTON, being duly sworn, deposes and says:

(Counsel for contestee objected to the examination of this witness because he was not beyond the reach of a subpoena, and that his testimony should be taken within the limits of the Sixth Congressional district, and upon the further grounds that five days' notice of the taking of his deposition was not given the contestee.)

Q. What is your name and occupation?—A. J. R. Melton is my name; I have no steady occupation at this time.

Q. What is your politics and place of residence?—A. My politics—I am a Populist; I reside at Magnolia, N. C.

Q. What is your age?—A. Fifty years old next October.

Q. How long have you resided at Magnolia?—A. Nearly four weeks.

Q. Where did you reside during the campaign of 1898 and on election day of that year?—A. Wilmington, N. C.

Q. How long had you resided at Wilmington, N. C.?—A. I have lived there all my life with the exception of five years and then within 5 miles of that city.

Q. What position, if any, did you hold during the last campaign?—A. I was the chief of police of the city of Wilmington.

Q. Will you state the character and nature of the campaign by the Democratic party in the county of New Hanover during the campaign of 1898?

(Counsel for contestee objects to the question because it calls for the opinion of the witness and not for facts within his knowledge.)

A. The campaign was very aggressive, using shotguns, rifles, and threats, and were threatening to use them, in order to carry the election.

(Answer objected to.)

Q. Will you state what you know of the use of shotguns and rifles in New Hanover County during the campaign?—A. I know they were used, and carried on the street during the daytime, but not as numerous as at night. For several days before the election they were on every corner of the city and in the hands of men on every corner of the central part of the city, from about 8 o'clock at night until daylight in the morning, and the Republicans were generally excited and terrorized; and numbers of them said they were not going to vote; that they thought more of their lives than they did of their politics. That's the most I can think of at this time on that line. That's all I can think of now.

(Answer objected to as being hearsay evidence and not stating any specific facts.)

Q. Will you state the nature of the threats made against the Republican voters.

(Counsel for contestee objects to the witness stating anything upon hearsay and anything not within his own personal knowledge.)

A. I know that I received several letters and know of several others that received crossbones, and other things, that said if anything happened they might get killed. These were little pamphlets, with crossbones and skulls, notifying them if there was any trouble with the negroes they would get killed.

Q. Were threats communicated to any of the Republicans generally in any other manner?

(Counsel for contestee objects to the question.)

A. I received verbal communications from friends that I was liable to be killed, and received communications from others that I did not know whether they were friends or not.

Q. Were threats communicated through Democratic papers of that city?

(Question objected to by contestee.)

A. They were.

Q. Will you state the nature of some of these threats?

(Question objected to.)

A. There was in the Wilmington Messenger a report of a speech of Colonel Waddell, which was about as bad as I saw; in which he stated that they would carry the election, or should carry the election, if it was necessary to upend the Cape Fear River with dead bodies. I don't remember the exact words but that was the effect of it. The paper published daily threats: I don't remember the nature of them. They were all on the line of carrying the election, regardless of cost, and they were going to carry it anyway. I haven't seen those papers any time lately and I can't recall it.

Q. Will you name the Democratic papers published in the city of Wilmington that contained these threats?—A. The Dispatch and the Messenger were the worst.

Q. You identify these copies of the Wilmington Messenger as the Messenger published in Wilmington to which you referred. Published on the following dates: October 2, October 4, October 11, October 14, October 12, October 13, October 15, October 18, October 19, October 20, October 21, October 23, October 25, October 26, October 27, October 28, October 29, and October 30. Introduced as Exhibit B, for articles marked therein and such articles introduced as evidence in this case.—A. Yes, sir, I do.

Q. Do you know that the Messenger was extensively read in New Hanover and the surrounding country?—A. Yes, sir; I do.

Q. In the Messenger of October 15 you see at the top in bold letters at the head of each column the expression, remember the six; what was your understanding in that section, as the meaning of that?

(Question objected to.)

A. My understanding and the understanding generally was that that Big Six represented six of us that was to be killed. The governor was one of them, Z. Z. French one, W. H. Chadbourn one, F. W. Foster was the fourth, C. B. Lockey the fifth, and J. R. Melton the sixth, that composed the Big Six. Mr. Chadbourn written one open letter describing the situation down there that didn't seem to give much pleasure to the Democrats, and from some cause or other, he written the second letter refuting in a large measure what he had written in the first, then they reduced the Big Six to the Big Five, and Mr. Chadbourn was an immune from the slaughter. He was not to be killed any more.

(Answer objected to.)

Q. Is the figure Big Five on the front page of the Messenger of October 20 the figure referring to the Big Five after Chadbourn's second letter?—A. That ends my answer to the Big Five business. So far as I know.

(Answer objected to by contestee.)

Q. Is the letter published in the Messenger of October 12 on the fourth page with W. H. Chadbourn's name, the first letter to which you refer as having been written by Mr. Chadbourn?—A. Yes, sir.

Q. Is the second letter to which you refer as having been written by W. H. Chadbourn, the one published in the Messenger of Saturday October 22, on page 7?—A. Yes.

Q. Examine Exhibit C and state if the same is a copy of the reply of Senator J. C. Pritchard to the first letter of W. H. Chadbourn testified to by you above.

(Contestee objects to this question.)

A. Yes, this is a copy. [Contestant exhibits Exhibit C in this cause.]

(Contestee objects to this evidence.)

Q. Does the article on page 4, third column, of the Messenger of October 15, headed "Remember the six leading Republicans" refer to the six Republicans whom you have named in connection with your explanation of the meaning of the Big Six?

(Question objected to.)

A. Yes, sir; this represents the Big Six. It so states in the article that it represents the Big Six.

Q. Is the speech to which you referred as having been made by Col. A. M. Waddell in which he stated that they would carry this election if they had to dam up the

Cape Fear with dead bodies the one printed on page 5 of the Messenger of October 25?—A. Yes, sir; that is the speech I referred to.

Q. Will you state, so far as you know, about the number of guns including rifles, etc., in use, or brought into the city of Wilmington during the last campaign?

(Counsel for contestee objects to the witness giving his opinion in answer to this question and insists that he confine his answer to facts within his knowledge.)

A. It was variously estimated at from 2,000 to 3,000. I saw myself as many as 1,500, I know, in one day; in one crowd going to the burning of the record office—in different crowds all going in that direction.

(Contestee objects to the answer of witness because it relates to a time after the election.)

Q. Were these guns in the city before the election?—A. They were, I think. I am sure they were.

Q. In whose hands were these guns?—A. Generally in the hands of Democrats. I saw none in the hands of Republicans.

Q. Was there during the campaign a band of Red Shirts calling themselves "Rough Riders"?—A. There was two separate sets of organizations—the Red Shirts one and the Rough Riders the other.

Q. Did at any time previous to the day of election these organizations parade the streets of Wilmington?—A. They did on one occasion; I didn't see them out but once in a body; I saw them separate very often.

Q. As chief of police of the city of Wilmington, did your officers of the city make frequent reports to your office?—A. Yes, sir.

Q. These reports were put on record in your office, were they not?—A. Not always.

Q. What information was reported to your office by your deputies as to the rioting conduct of these armed men in parts of the city?

(Question objected to.)

A. It was reported on the day the Red Shirts and Rough Riders had the parade, and were shooting along the street, and shooting into houses, they shot into a fellow's house by the name of Dixon Toomer and into a colored schoolhouse in Cambell Square—public schoolhouse.

Q. Who was the captain of this Red Shirt brigade?—A. Theodore Swan was captain of the Red Shirts, I think; and Mike Dowling was captain of the Rough Riders.

Q. Were any threats made directly against your life?—A. Not directly in person until the day of the riot. Then several passed along by the city hall and said they are going to get me and kill me—just passing, going and coming; I didn't pay much attention to it.

Q. Did any colored people come to your office and report to you as chief of police prior to the election that these organized bands had done them violence?

(Question objected to as hearsay.)

A. They did. A few days before election there came two colored men up there to the city hall and reported that they had been assaulted by the Rough Riders and Red Shirts with swords, or a sword, and they showed marks of violence on their persons. They went home and were soon confined so they could not get out to swear out a warrant. You have to swear out a warrant to arrest a man without you see him commit the offense. The officer didn't see this and did not make an arrest. Couldn't arrest on hearsay evidence.

Q. Was an appointment made for public speaking in the city of Wilmington just prior to the election by Senator J. C. Pritchard, Senator Marion Butler, Governor D. L. Russell, and Oliver H. Dockery?—A. There was.

Q. Was this appointment filled?—A. It was not.

Q. If not, why not?—A. The reason it was not filled, the Democrats said they should not speak in Wilmington. They said if they did there would be bloodshed.

(Answer objected to.)

Q. After all this intimidation and acts of violence which you have detailed, what action did the governor of North Carolina take in the matter?—A. I don't know; there was no county ticket put out.

Q. You were one of the leaders and constantly in consultation with the other leaders of the Fusion party in that district, were you not?—A. Yes, sir.

Q. Will you state from your knowledge why there was no Fusion county ticket put out in New Hanover County?

(Question objected to.)

A. We had a conference on that matter, and it was said that if the Democrats would pledge they would give us a fair election and in order to prevent bloodshed they give up their county ticket.

Q. Were threats made by the Democrats that if the Republicans and Populists dared put out candidates against the Democratic candidates there would be bloodshed?

(Question objected to as leading.)

A. They did.

Q. Were these threats largely instrumental in controlling the action of the Fusionists in not putting out a ticket?

(Question objected to.)

A. I think they were largely so.

Q. Can you tell about how long before the election that this decision was reached by the Republicans and Populists?—A. I don't remember exactly; a week or ten days, though it might have been longer or might not have been so long.

Q. After this decision on their part, did not acts of violence and conduct of intimidation on the part of Democrats continue up to and even after the election?

(Question objected to as leading.)

A. Yes, sir; more after than before.

Q. After the surrender of the Republican leaders in New Hanover County in deciding not to put out a ticket, didn't the Democrats become more emboldened and violent than before?

(Question objected to as leading.)

A. They did.

Q. About this time, to wit, October 26, did not the governor issue a proclamation, reciting these acts of violence, not only in the county of New Hanover, but in all the border counties along the southern borders of this State; and is not this proclamation the one published in the Messenger of October 26, on the first page?—A. Yes; that is the governor's proclamation.

Q. As chief of police of the city of Wilmington you inspect and regulate the conduct of all the citizens of that city, do you not? In other words, you make frequent rounds of the city?—A. My duty as chief of police is to become familiar with the city, and to enforce such ordinances as were passed by the board of aldermen or to be enforced.

Q. I want to ask you if at any time prior to, on the day of election, or succeeding the election, there came under your observation any conduct of any nature, on the part of Republican or Populist voters, white or colored, which led you to even suspect that there was any movement, organized or otherwise, on the part of these voters to do any violence whatever to person or property?

(Question objected to because it is leading and suggestive, and for the further reason because it inquires of matters occurring after the election which are not pertinent to this controversy.)

A. I never saw any evidence of the Republicans or Populists, white or colored, of any disposition to injure anybody. They were excited, scared, and their only object seemed to be to keep from getting hurt themselves, if possible.

Q. Do you not know it to be a fact that this fear of violence on the part of the Republicans deterred many within your own knowledge from registering in your county?

(Question objected to as leading and suggestive.)

A. I know that a great many of them came to me, especially colored people, and said they were not going to vote or register; that they thought more of their lives than they did of their votes or politics. It was generally reported that if a man registered he would be discharged. Mr. Chadbourn was charged with sending out his man, John Webber, to notify them he would discharge them. I don't know that that was positively so.

(Answer objected to.)

Q. What reason did the report say Mr. Chadbourn give for his advice why they should not register and vote?

(Question objected to as double hearsay.)

A. That if they did they would be killed.

Q. Was there any trouble in Wilmington on the night preceding the election?—

A. Not that I know of. There was trouble the night following the election at one polling place, Tenth and Princess streets; the night while they were counting the vote.

(Latter part of answer objected to as a voluntary statement by witness, not responsive to the question, and as to a matter occurring subsequent to the election which is not pertinent to this controversy.)

Q. Was there any trouble on the night of the election at any of the polling places in your city, before the count of the vote was completed?—A. I got an official report. I had eight or ten officers at Tenth and Princess. We anticipated trouble there. Those officers, when they came in, reported that before the vote was counted they crowded into the house, the polling place, blew the lamps out, and then had them ousted—threw them out the rooms; they muffled the electric lights in the neighborhood, and that there was 100 or 200 men around, with their Winchester rifles, in the dark; that when they got through and got straight again they found that the ballot boxes had been stuffed; one of them showed about twice as many votes as was cast in the precinct for that candidate.

(Answer objected to as hearsay.)

Q. Was not the election machinery of New Hanover County the last election in the hands of the Democrats?—A. I think it was. I think the chairman of board of county commissioners, the clerk of the court, and the register of deeds appointed the poll holders and the registrars; and the chairman of the board of county commissioners and the clerk of the superior court were Democrats; the register of deeds was Republican, which would give the Democrats two to one.

Q. Will you state whether or not there was any trouble in the city of Wilmington on the day after the election?

(Question objected to, because matters occurring subsequent to the election are not material to this controversy.)

A. The town was fairly quiet on Wednesday, after the election.

Q. Had the excitement of the previous two weeks subsided by the second day after the election?

(Question objected to as immaterial.)

A. It seemed to have broken out anew on Thursday, that day, and there was more trouble than at any time before. That was the day of the burning of the Record building, and the day of the massacre, or riot, whatever you call it.

Q. Did you see the burning of the Record building?—A. I did not; I saw the smoke of it.

(Question objected to as immaterial.)

Q. Did you see the crowd as it went to the building?

(Question objected to as immaterial.)

A. I saw the crowd, or a part of the crowd, going to the Record building—about 1,000 or 1,500 of them going in that direction. They were going for an hour or more, passing. They were all armed.

Q. Did their conduct seem to be that of peaceable, law-abiding citizens?

(Question objected to as immaterial and leading.)

A. They seemed to be very much excited—going in a big hurry.

Q. After they had completed their work at the Record building, what then transpired?

(Question objected to as immaterial.)

A. They seemed to spread out in small squads all over the city. In crowds of fifteen and twenty and thirty; all through the central part of the city. The next report I received was from an officer that there had been a riot over the railroad and a lot of men killed. The officer didn't know how many.

(Answer objected to as hearsay.)

Q. Was this the day the crowd went to the city hall?

(Question objected to as immaterial and leading.)

A. It was.

Q. Will you state what took place there?

(Question objected to as immaterial.)

A. We had gotten word at the city hall that they were coming over and demand the offices, and take them by force; if we didn't resign, they would take them by force. That evening, about half-past 4, there came in a crowd of citizens to the city hall; the old board of aldermen were then in session, and immediately when the citizens came in, they had come evidently for the purpose of resigning, and proceeded to resign, one at the time, and there would be a new alderman elected and sworn in as fast as one would resign, until they completed the resignation and filling of the board. Mr. Roundtree invited me out into the chamber of the board of aldermen, and said that he would advise me to resign; that he thought he had control over men, but he had just learned that he could not do anything with the men, meaning the Democrats; that he had no control over them, and they would not listen to him, and he would not be responsible for the consequence, and he advised me to resign, and I did so. At that time there was from one to two hundred armed men with Winchesters in the city hall and the corridors, that came in immediately behind the citizens' committee, as they called it. I resigned, and made a turnover to the new chief, which they elected immediately. I am ahead of my story a little. I told Mr. Roundtree, inasmuch as I could not get officers enough to restore order in the city, that the citizens that ought to be law abiding, but were lawbreakers, that I would resign over to the weaker and let them take it, and I knew they could get force enough to restore order. Then, following my resignation, the mayor resigned, and I went home, and that about ends that day.

Q. Do you know who was the leading spirit in the crowd that burned the Record office?

(Question objected to as immaterial.)

A. The officers reported that Col. A.M. Waddell led the crowd in burning the Record office.

Q. Do you know who was the leader of the crowd that went to the city office to demand the resignation of the city officers?

(Question objected to as immaterial.)

A. I don't. They didn't come there and demand; they served verbal notice that they were coming at 4, and they come soon after 4—about half past 4. They just crowded over the railing, and come pellmell; and the old board proceeded to resign, and that ends that. I have been over that before.

Q. Was Col. A. M. Waddell in that crowd?—A. Yes; he was foremost in that crowd.

Q. Did all the city officers resign?—A. Not that evening. The mayor, and myself, and the aldermen resigned.

Q. When the mayor resigned who assumed the authority of mayor?

(Question objected to as immaterial.)

A. Colonel Waddell.

Q. Is Colonel Waddell the same man who made the speech during the campaign, in which he stated that they would carry this election if they had to dam up Cape Fear with dead bodies?—A. Yes, sir.

(Question objected to as immaterial.)

Q. Did the rest of the officers resign on the next day?—A. Not that I know of personally.

Q. How were the officers who filled the position made vacant by the resignation of yourself, the mayor, and the aldermen selected?

(Question objected to as immaterial.)

A. The body of men called the citizens' committee would place in nomination a name for alderman of their body to fill the place made vacant by the resignation of the Republican officer. That mode was continued until the board was refilled to the capacity of ten; and they elected Colonel Waddell mayor, the aldermen, and also elected E. G. Parmelee chief of police, and he went to work and swore in 200 special policemen, or claimed to have done that. I do not know whether he did or not.

Q. Were these men in the crowd of armed men who went to the city hall and demanded the offices?

(Question objected to as immaterial.)

A. They were not armed at that time, but they had been during the day; that is, the citizens' committee. There was quite a lot of them in the city hall at that time, back of the railing—the armed men were.

Q. When you resigned and left the city hall you stated that you went to your home. Was any other effort to do violence against you made after that?

(Question objected to as immaterial.)

A. Not that I know of that night. There was on the next day, Friday.

Q. Will you state what that was?—A. On Friday morning after breakfast I went down to the city hall to make my final turnover to the new chief of police, and while there I was showing the janitor some impounded stock, stock that was in the city pound, that had been kept overtime, and should be advertised for sale; and while I was out there I found they hadn't been fed the previous day. I was showing the new janitor where the feed was and directing him how to feed them, and a man by the name of C. H. Gilbert and L. H. Bryan happened around there, and about that time they rushed a mob around there on me with Winchester, and said they wanted myself and Gilbert. I said "All right, for what; where is your authority?" They wanted me to go over to Squire Fowler's—John J. Fowler's—and in less time than I have been telling it I suppose there was 300 around me. We went over to Fowler's. I asked him what he wanted with me, and he advised us to go on and do whatever they said; said he had no warrant, and no use for us, nothing against us, and they marched us then up Market street to the armory, and stopped us there a few seconds, and some soldiers come out of the armory and joined in the crowd and marched us up near Seventh and Market; left us there for some considerable time, ten minutes maybe, under guard; came back and marched us out Market street near the national cemetery and put us under guard, ten or twelve men guarding. Kept us there till about a quarter after 1 or to 1—about 1 o'clock. When we got out there we found R. H. Bunting, United States commissioner. At 1 o'clock, or just about 1, they moved us from there back down Market street to the armory again of the Wilmington Light Infantry, and marched us into the yard of the armory, and brought us out dinner, consisting of sandwiches, oysters, and coffee. I drank some coffee; the other fellows eat something, I believe. I repeatedly asked what they were going to do, what they wanted, to which I would get no answer. Just before 2 o'clock we received orders to fall in again, and they marched down Market street, and they marched us up Front street, amid yells and hisses of the exasperated mob, to the Wilmington and Weldon Railroad depot, forced us on the train, and sent us to New Berne; then they wired ahead of us to New Berne; the contents of the wire I don't know what it was, but at any rate a committee met us and refused to allow us to stop in New Berne. They hurried us along as fast as possible, and I got mad; I had rather die, but the chief of police told us to go on; I knew him; I was personally acquainted; he said he was unable to protect us; that he was hourly expecting a similar trouble to that we had in Wilmington. We went to Norfolk, by boat to Elizabeth City and by rail to Norfolk, and met with some little abuse in

Norfolk; went from Norfolk to Washington, and had no more trouble with the mob after that.

(Answer objected to.)

Q. Have you ever returned to Wilmington since then?—A. No, sir.

Q. During that entire time were you notified of any charges having been made against you?

(Question objected to as immaterial.)

A. No, sir; I was not notified of any charges against me.

Q. On the march to which you have referred, was any violence attempted against your person or any indignities heaped upon you?

(Question objected to as immaterial.)

A. We were cursed, going on, * * * and one thing and another, and after I crossed Princess street going up to Front street, a man run up to me with a rifle; he had on a special police badge and was in the act of punching me in the temple with it, or shooting me, I don't know; he looked very angry, and the sergeant who was in charge of the squad of men that was marching us, whose name is A. P. Adrian, he run over aside of me and punched him off with his sword and says, "None of that." After we got in the car at the depot there came a large muscular kind of a looking fellow in there, cursed Commissioner Bunting very severely, and told him a d—n * * * that if he ever returned to Wilmington he would kill him God d—n him, and come along and paid about the same compliments to myself and Gilbert; that's about all. They taken the pleasure of marching me right in front of my wife and children.

(Answer objected to.)

Q. Do you know of any colored man who was a candidate for office in the county of New Hanover at the last election?—A. I can't recall him; they run no county ticket.

Cross-examination by CONTESTEE:

Mr. Melton, you say that you reside in Magnolia, Duplin County, N. C.?—A. Yes, sir; I am there at present.

Q. How far is Magnolia from Willard, in Pender County, and on the Wilmington and Weldon Railroad?—A. I don't know exactly; probably 15 or 20 miles.

Q. Is Pender County in the Sixth Congressional district?—A. I don't know, I think it is; I don't hardly know, though, I be dogged if I do.

Q. Don't you know in what Congressional district Pender County is?—A. It used to be in the Third; I think it is in the Sixth, but I will not swear anything about it.

Q. Would it not have been more convenient for you to have gone to Willard than to come to Raleigh?—A. Yes, sir; and I had preferred to have went, if I had had my say so about it.

Q. You say that you have resided in Wilmington all your life with the exception of five years, and during those years that you resided in New Hanover County, within 5 miles of Wilmington?—A. Yes, sir; I said that, but I was mistaken though, I forgotten when I was a boy I went up in Pender in 1865, January, and stayed there until 1869. I had forgotten it.

Q. You said in your direct examination that you were chief of police of the city of Wilmington during the last campaign?—A. Yes, sir.

Q. How many negro policemen were there, during that period, in the city?—A. Ten, I think, sir.

Q. And how many white policemen were there?—A. Sixteen privates and 3 sergeants, captain, and lieutenant; 21, I think.

Q. You also stated in your direct examination that you were one of the leaders of the Fusion party in New Hanover County?—A. I said that I was a Populist and led my people in the campaign.

Q. I presume, then, that you took some interest in the political campaign and kept yourself advised as to its progress and conduct?—A. I did as best I could on local matters around home there.

Q. What was the aggregate vote cast for Congressman in the county of New Hanover in 1896?—A. I don't remember, sir.

Q. Was there not in the election for that year a total vote of 5,428 cast in the Congressional election, of which Lockhart, Democrat, received 2,210, and Martin, Fusionist, 3,217?—A. I don't remember.

Q. What was the total vote cast in the Congressional election of 1898, in the county of New Hanover?—A. I don't remember what the total vote was in 1898 nor 1896.

Q. Was it not 5,370, of which Bellamy, Democrat, received 2,817 and Dockery, Fusionist, 2,553?—A. Mr. Dockery, from the election until I left Wilmington I had as much as I could think of.

Q. Do you not know that usually in New Hanover County a smaller vote is cast in off years, that is, years in which there is no Presidential election, than in years when there is a Presidential election?—A. That is always so.

Q. I ask you if New Hanover County didn't go Democratic in the elections of 1890 and 1892?—A. Yes, sir; it was so declared.

Q. In 1894 was there not in New Hanover County a Democratic clerk of the superior court, a Democratic register of deeds, and one Democratic member of the legislature elected?

(Objected to as immaterial.)

A. Yes, sir; there was a Democratic clerk and a Democratic member of the legislature; that was the year the Democrats and Republicans fused.

Q. Who did they fuse against?

(Objected to as immaterial.)

A. I think the regular Democrats fused against the silver forces.

(Objected to as immaterial.)

A. I don't know who were the leaders of it, they were raising Cain there all the time, and I don't know—Mr. John J. Fowler was their candidate for sheriff and Mr. John Harr—I don't remember—I was anti-Democratic and I don't remember exactly.

Q. I ask you if Mr. Harr in that election was not the regular Democratic candidate for register of deeds, and was he not elected?

(Objected to as immaterial.)

A. I don't remember; I think he was, yes. I am not positive, I did not charge my memory, but in 1894 there were but two Democrats elected—Herbert McClammy and John D. Taylor; I think Mr. Harr was elected.

Q. You said something, Mr. Melton, in your direct examination about certain ballot-box stuffing at a precinct in the city of Wilmington, in the election of 1898, at the corner of Tenth and Princess streets. Did you state anything in respect to that matter of your own knowledge?—A. I made that statement as I received it from the officers. I—

Q. So, then, you knew nothing about it of your own knowledge?—A. I knew nothing about that of my own knowledge; I stated that in the outset.

Q. Who was the registrar at that box?—A. Geo. W. Bates was one of the registrars.

Q. Who were the other two?—A. W. G. Wright, one of them, and I don't know the name of the other.

Q. What was their politics?—A. Wright was a Democrat, Bates a Populist, and the other man—a colored man—a Republican in politics.

Q. I ask you if one of these registrars didn't tell you that there was no tampering with the ballot box at that precinct in which the Congressional vote was cast?

(Objected to on ground of hearsay.)

A. Yes; Bates told me that the box was not tampered with. I never said the Congressional box was tampered with.

Q. Mr. Melton, was not every Republican vote, except one negro, cast at that box for Congress cast for Mr. Dockery?—A. I don't know.

Q. Were you not so informed?—A. No, sir.

Q. What was the number of negroes registered at that precinct?—A. I don't remember that, sir.

Q. Can you not approximate the number?—A. Well, I suppose there was 250 or 260, somewhere like that; I won't be positive.

Q. I ask you if Mr. Dockery did not receive over 300 votes at that box?—A. I don't remember.

Q. Did not Mr. Bellamy receive at that box less than 25 votes?

(Objection by contestant because the records are the best evidence.)

A. I don't remember what Mr. Bellamy got.

Q. If Mr. Bellamy received at that box less than 25 votes and Mr. Dockery received over 300, when according to your estimate there were only 250 or 260 negroes registered there, does not that tend to show that if any stuffing was done it was done in the interest of Mr. Dockery, and by an election board the majority of whom were Fusionists?

(Counsel for contestant objects to question.)

A. I don't know anything about that; I was asked by Mr. Busbee to approximate it, and I told him 250 or 260.

Q. Mr. Melton, do you not know that there was no charge of intimidation of any sort or any irregularity at any precinct in New Hanover County in regard to the election of Congressman?

(Objection by contestant to the question.)

A. No, sir; I don't know that. You seem to lose sight of the fact that I left Wilmington on Friday, and that my opportunities for knowing these things were limited after that. If I had stayed there I might have known.

Q. I ask you whether or not from Tuesday, the day of election, until Friday, when you bade goodbye to Wilmington, you heard of any charge of irregularity in regard to the Congressional election?

(Counsel for contestant objects, because the question causes the witness to give an answer which is purely hearsay.)

A. I can't say that I did.

Q. I ask you, Mr. Melton, if at every precinct in New Hanover, 19 in number, the boards of election officers did not consist of four Fusionists and two Democrats?—A. I don't know that it did.

Q. Please tell me, then, at which precinct in the county they were not so composed.—A. They were not so composed in the first precinct, Fifth Ward—no Populist representative there.

Q. Was not Theodore Swann one of the election officers at that precinct?—A. No, sir.

Q. Who were the election officers at that precinct?—A. Jim Benson he was one, he voted the Democratic ticket; I don't know the other two.

Q. Who were the Republican members of the board at that precinct?—A. I don't remember who they were.

Q. If you do not remember who the election officers were, how can you testify as to their respective politics?—A. I know personally every Populist in New Hanover County; I don't all the Republicans.

Q. Was not Jim Benson on the police force?—A. He was not, as I know of.

Q. He had never been?—A. Not that I know of.

Q. Was he not a Populist member of the board of aldermen appointed by Governor Russell?—A. He was a member of the board of aldermen appointed by Governor Russell; he did not claim to be a Populist, and he voted Democratic in the last election.

Q. Was he not appointed on the election board as a Populist and on the recommendation of the Populists?—A. Not as I know of.

Q. Who was the Democratic member of the board of registrars at that precinct?—A. I think it was Mr. Morris, I am not sure about it.

Q. Who was the Republican member?—A. I don't know, I think it was a colored man.

Q. Who was the Populist member?—A. There was none. There was but one white Fusionist in that precinct and he was not on the board.

Q. Was not Benson appointed on the board as a Populist?—A. He might have been, I don't know, we had several Democrats appointed as Populists.

Q. Did that not happen so because in the campaign of 1898 a great many Populists who had been formerly Democrats returned to the Democratic party during the campaign?—A. I don't know that is so.

Q. Did you not hear constantly during the campaign of Populists returning to the Democratic party, and did you not constantly see in the public press letters from Populists to that effect?

(Counsel for contestant objects because the answer sought would be purely hearsay.)

A. From reading of the Democratic papers I think there was about 150,000 went back out of 40,000 that we had.

Q. Did not enough go back to carry the Sixth district Democratic?—A. I don't know whether the Populists did that or Winchester.

Q. You stated in your direct examination that for several days before the election men with guns were on every corner of Wilmington in the central part of the city during the night. I ask you if you do not know that these men were guarding and protecting the city from threatened incendiarism?—A. I don't know that, sir; I heard no threats.

Q. Did you not hear that such was the purpose of these men who were so on guard at night over the city?—A. I might have seen some like that in the newspapers.

Q. I ask you further, Mr. Melton, if you do not know that the city authorities employed one or more Pinkerton detectives during the spring of 1898, or the previous winter to ascertain the cause of the various fires that had occurred in the city and to aid in guarding the city against them?

(Counsel for contestant objects to the question because immaterial, irrelevant, and foreign to the issues involved in this controversy.)

A. I do not know that.

Q. Do you know whether or not there was one or more detectives in the city either during the year of 1897 or the year 1898, or at any time during either of those years?

(Counsel for contestant objects to the question because immaterial.)

A. I do not.

Q. Did you not hear at any time of the presence in the city of any detective?

(Counsel for contestant objects as immaterial.)

A. There was a man came down there in the interest of the insurance company of the burning of a vessel or other property burned; I don't know if he was a detective; he said he worked up the case to see if the insurance could not get out of paying so much. When we had Fred Howley arrested for incendiary fire, there was a man came down there and seemed to be inclined to get up evidence against him, but I don't know whether he was a detective or not; I didn't ask him.

Q. Do you not know that the insurance companies in the city, either during the winter of 1897-98 or in the spring of 1898, offered rewards by advertisement in the

newspapers for the detection and apprehension of the men who were committing these acts of incendiarism?

(Counsel for contestant objects to the question because immaterial and irrelevant.)

A. I remember something about that; yes, sir.

Q. Did not the insurance companies threaten to cancel their policies upon property in the city if steps were not taken by the municipal authorities to stop this incendiarism.

(Counsel for contestant objects as immaterial.)

A. I don't remember that.

Q. Did you not as chief of police take enough interest in the protection of the property of the city from fire to remember what was done to prevent this incendiarism?

(Counsel for contestant objects.)

A. I took enough interest that I sat up all night for many nights myself to try to catch the fire bugs, but I don't remember that notice that he speaks of.

Q. Did you ever catch one?—A. Well, we caught one; he is in the penitentiary now; I don't know whether he was a fire bug or not.

Q. Was not this one whom you mentioned caught by the detective and not by the police authorities of the city?

(Counsel for contestant objects as immaterial.)

A. Caught by the police authorities. I was absent from the city, but he was caught by the police authorities.

Q. Which policeman apprehended him?

(Contestant objects.)

A. Thomas Lawson; I think he is the man that captured him.

Q. Was not John D. Ballamy, Democrat, and C. P. Locke, Republican, both lawyers, employed by the city authorities to prosecute these cases of incendiarism?

(Contestant objects as immaterial.)

A. I don't remember whether they were or not. I had nothing to do with employing the counsel.

Q. Do you not know that the warrant which was issued by Bunting, justice of the peace, and upon which the man to whom you refer was arrested was issued upon the affidavit of the detective to whom I have referred.

(Objection by contestant as immaterial.)

A. I don't know that; I was in Washington, N. C., when that arrest was made, and all that I know was what I learned when I returned. I think Lawson claimed to have arrested him.

Q. Please state how many fires occurred in the city of Wilmington or near the city between October 15, 1897, and November 1, 1898.

(Counsel for contestant objects as immaterial.)

A. I don't remember; it was not my business to keep record of fires, the chief of fire department did that.

Q. Please state what fires occurred between the dates mentioned within your knowledge and memory.

(Counsel for contestant objects as immaterial.)

A. I don't remember.

Q. Can you not remember some?—A. There was several little fires; I don't remember; I didn't tax my mind with it.

Q. Can you not remember one?

(Contestant objects as immaterial.)

A. A fire on Twelfth and Orange, or near there.

Q. Did not Robinson & King's wharf property burn during that period, and was the fire not attributed to an incendiary?

(Counsel for contestant objects as immaterial.)

A. I knew it burned, and was due to an incendiary.

Q. Did not the Caldwell wharf burn during that time between Ann and Nun streets, and was not that fire attributed to an incendiary?

(Counsel for contestant objects as immaterial.)

A. I don't remember the time, but I remember it was along about the time of Robinson & King, and it was due to incendiary, is my recollection about it; I didn't tax my mind.

Q. Do you not remember that during that time that there were two large fires across the river in one night in which thousands of barrels of rosin and a vessel were destroyed, and which fires were attributed to incendiarism.

(Counsel objects as immaterial.)

A. Yes, sir; I remember that time; I don't remember the date. From that fire we were led to suspect Howley because he was watching that vessel.

Q. Do you not remember that during the time mentioned a large schoolhouse for white children between Chestnut and Mulberry streets, costing over \$20,000, was burned, and that this fire was attributed to an incendiary?

(Counsel for contestant objects as immaterial.)

A. I remember very well that fire; I don't remember the date.

Q. Do you not remember the other large schoolhouse for white children, near corner of Fifth and Ann streets, was at some time prior to the burning of the other schoolhouse destroyed by fire?

(Counsel objects as immaterial.)

A. Yes, sir.

Q. Do you not remember in connection with this last-mentioned fire that on Ann street there was found where wood—kindling wood—had been put underneath the house for the purpose of burning it; and that this happened after the schoolhouse had been rebuilt; and that on this last occasion the fire was extinguished before the house was again destroyed?

(Counsel objects as immaterial.)

A. I don't remember that. I remember watching, and did on Seventh street, and kept men there for ten or twelve days. I don't know that was the fire you were referring to.

Q. Do you not remember that during that time a fire occurred near your own premises, and that you had to jump from your window in order to escape?

(Counsel objects as immaterial.)

A. I remember my house got burned—the house I lived in.

Q. Do you not also remember that during the time mentioned there were other fires in the city besides those I have specifically inquired of?—A. There were a good many fires; yes, sir.

(Objected to by contestant.)

Q. Do you not think that there was well-founded cause for the apprehension that existed in the city on account of these incendiary fires.

(Counsel for contestant objects, because the opinion of the witness is asked, and not facts upon which to base such opinion.)

A. At the time we were having these incendiary fires and so many fires we had a special fire department—a voluntary department. After they did away with the voluntary department and established a pay fire department—it was several months before the election—we had comparatively no more fires, and there was no need for the apprehension for fires at the time there was so much guns and holding up in the city of Wilmington.

Q. Do you not think that one basis of the apprehension of the public in respect to their property was on account of the alleged inefficiency of the city police department?—A. I don't know; it might have been. I don't know what their opinions were.

(Objection as immaterial.)

Q. Do you not remember that certain negroes in the spring of 1898 shot into a hospital in the northeastern part of the city with guns and pistols and afterwards destroyed it by fire, and that the city police at the time, or some of them, were present, protesting against it?

(Counsel for contestant objects as immaterial.)

A. I don't remember that.

Q. I allude to the house the city rented from W. H. Chadbourn for a hospital. Do you not remember something in regard to that occurrence? And if you do, please state what you do remember.

(Counsel objects as immaterial.)

A. They had rented this house from Mr. Chadbourn for a smallpox pesthouse. The people in that vicinity, both white and colored, were greatly distressed at putting a pesthouse right to the north of them, and the prevailing winds of the winter coming from the north, and got mad, and said it should not be put there, law or no law. I sent a couple of officers out there, about as good as I had, one a colored and one a white, both good officers, one an extra good one. After supper I went out there myself to survey the ground. I don't know how many people was there, around. It was dark and apparently there was 500 people, white and colored, but more colored than white. Everywhere you go you run on some of them, with their guns, but insisting that the pesthouse should be removed from there. I didn't stay long. I knew a great many over there. It was near where I used to butcher, and I knew a good many of the older ones then. Lots of the younger ones I didn't know. I advised them to go home quietly and used my influence to get the pesthouse away from there. They seemed to be very mad, but not boisterous. They didn't seem to be satisfied and commenced to branch off, ten or twelve in a squad, and didn't act like they were going home, acted stubborn, so I went on up and told the officers to look out, and went to Seventh street and saw a crowd coming and concealed myself to know what they were talking about, and heard them say "the damned pesthouse." About 20 in that crowd. I didn't know any of them, and heard them say, "We will bust up the plugs and start a fire somewhere else." Then I hurried right back to the building and told the officers to go and protect the nearest plugs on

Sixth and Harnet and Seventh and Bladen. I told them one to go to each plug, one to Sixth and Harnet and one to Seventh and Bladen. In case fire broke out, I had taken the precaution to have the men, two on beat 12 and two men on beat 11, to respond to the fire quickly, and protect the hose and not let them be cut. It would take between a quarter and half mile of hose to reach the plug from the house, and I instructed those men to shoot or capture anyone who approached those plugs in any violent manner to break them up. We hadn't got hardly to the plugs before they had set the old barn afire. That was the way that was done. I was choosing between two evils, whether I could take care of the bigger part of the city. Whether I should let them fire the city, somewhere else to attract the fire department and then lose that building and have no water to fight fire with, and as soon as the fire broke out we sent in the alarm immediately, and followed the hose and protected the hose. The whole affair was a mere claptrap.

(Counsel for contestant objects to answer because immaterial, irrelevant, and foreign to the issues in this contest, and ask that the same be stricken from the record.)

Q. Do you call an occurrence like that, resulting in mob violence and the destruction of a house by fire, claptrap?

(Counsel for contestant object to question.)

A. I didn't call it; I said it was a claptrap of an old building—an old hull.

Q. Was it not a new house, built within two years, with an old store in the rear of it?

(Objection by contestant.)

A. It was not. It had been standing there fifteen years or more to my knowing.

Q. You say that neither you nor any of your policemen was present when the house was fired?—A. No, sir; we were not. If there was any policeman there I don't know it.

Q. And you say that the reason you did not remain there to protect that property was because if you did you apprehend that the hose would be cut and that other incendiary fires would be started at other points in the city?

(Objection by contestant.)

A. No, sir; I didn't say that; I said that I overheard a crowd of twenty or more talking on Seventh and Nixon streets. I was concealed on the opposite side of the street under a tree, and I overheard them say that they would cut up the plugs and start a fire somewhere else. I came to the conclusion that if they interfered with the water supply and the fire did start we would have no means to fight it. I went right back to the building and sent these two officers to the nearest two plugs, one at each plug, and was going myself to get more officers to watch the building. I had rather lost the building than the water supply of the city. Of the two evils, I had rather than have the water supply cut off from the city I had lost that building, but I was trying to save both. It was inside of less than ten minutes from the time we left that building was afire. Then it was when the fire department came, the men—from 11 and 12—according to orders reported to the fire, and was instructed to string out and protect the hose and not let them cut it.

Q. So, then, I understand you to say that in leaving this house to be fired you thought to beat to the fire in order to protect the balance of the city? A. Yes, not exactly; I didn't expect it to be burned, but it might be, but I knew if they interfered with the water supply that it would be impossible for us to fight fire, and I thought it better to protect the water supply first and get more help to protect the old hospital, because it was not of much importance.

Q. And while you were protecting the water supply the house was fired?—A. Yes, sir.

Q. During this time where was the rest of the police force besides you and the two policemen you mentioned?

(Contestant objects as immaterial.)

A. They were on their various beats. Those men had to be taken from their regular beats; I had to double beats to get these two.

Q. You say that you butchered in the vicinity where that house was located, and that you knew all the people in the neighborhood or most of them?

(Objected to as immaterial.)

A. Yes; I knew a good many of the older people, and there were lots of the younger people I didn't know, but they knew me.

Q. State the names of some of the persons whom you saw there at that time.

(Contestant objects to question as immaterial.)

A. I don't remember any one man I could find I knew. It was dark as thunder—very dark.

Q. Were not most of them negroes.

(Objection.)

A. Yes, sir.

Q. Were not they armed?

(Contestant objects.)

A. Yes, sir.

Q. Did you ever, as chief of police, make any effort to ascertain who were in that mob and fired that house?

(Contestant objects as immaterial.)

A. Yes, sir; I did everything I could.

Q. Could you not ascertain the name of a single person who was in the crowd.

(Contestant objects as immaterial.)

A. I couldn't ascertain the names of any that night.

Q. Did you afterwards ascertain the names of any persons who were in the crowd that night?

(Contestant objects.)

A. One fellow would say, "Well, I seen so and so going that way."

Q. Give me the name of any person who was in the crowd that night.

(Contestant objects as immaterial.)

A. I saw a colored woman in the crowd that night. Her name was Williams. I saw her on Nixon street; I tried to get her to give me the names of others there, but she said she did not know any of them.

Q. Did you make any endeavor to prosecute anyone for being concerned in the crime that was committed that night?

(Contestant objects to the question as immaterial.)

A. I tried to find out who to prosecute. I could not get no evidence against anyone.

Q. Do you mean to say that as chief of police, with the policemen and the police machinery under your control, you were not able to obtain any evidence as to a single person in a crowd of 500 who committed that outrage?

(Contestant objects as immaterial.)

A. I could have found out names of parties in that crowd, but would that have been any evidence that they fired that building because there was somebody out there that night?

Q. During the time I have mentioned, from October 1, 1897, to November 1, 1898, were not burglaries constantly committed in the city of Wilmington, and without detection or conviction of the burglars?

(Contestant objects as immaterial.)

A. There was some burglaries committed and some burglars convicted.

Q. State the names of the burglars arrested during that period by your police department and convicted.

(Objection by contestant.)

A. I can't recall any name that was arrested and convicted by the police department. There was a set arrested and went into Mr. June Davis's, but I think that was before that time.

Q. Can you not remember the name of any burglar that your department arrested during the time mentioned?—A. I can't now remember; I can't remember a great many names. I don't charge my memory with names. I don't expect to have to answer such questions.

Q. Do you not remember that during the year 1898, mainly in the summer of that year, the following houses in the city, among others, were burglarized: Mr. T. M. Emerson, Mayor Harris, Mayor Fishplate, Junius Davis, A. J. Powers, Carl Polvo-voigt (twice), Mr. Summerill, Mrs. Bappler?

(Objection by contestant because immaterial.)

A. I remember that they were reported as burglarized. I watched those houses with all the force that I had to spare. I give all the attention to those houses that I could with the force I had to spare. In the summer there is from 100 to 200 families that go to watering places and summer resorts. Those houses were left unprotected. I had sixteen officers on duty at night and eight in the day. Eight of those men were on duty down in the business portion of the city, principally on Water, Front, and Second streets; eight had the balance of the city to watch, which comprised about, I reckon, thirty-nine fortieths of the corporate limits of the city. I had to protect the business interests.

Q. So then, during your administration as chief of police, it was wise for a property holder to see to the protection of his own property instead of trusting to the police department, was it not?

(Objection by contestant.)

A. You will see when these people go off this summer the same thing will happen again.

Q. Were there not several burglaries committed right in the neighborhood of the city hall while you were chief of police?

(Objected to as immaterial.)

A. I think there was.

Q. Was anyone of the burglars arrested by your department?—A. Not that I know of; I can't recall any now. They were principally boys—little fellows.

Q. Was not a burglar—a negro man—arrested by Mrs. Bappler and another lady with her, and carried by them to the city hall after they had called in a policeman, after they had arrested the burglar, to aid them in carrying him to the city hall?
(Contestant objects as immaterial.)

A. Yes, sir; there was a boy claimed to be arrested by Mrs. Bappler or in her house, sent for an officer, and he brought him to the station house and locked him up.

Q. Was not this boy a grown man?—A. No, sir.

Q. How old was he and how large?

(Objection.)

A. I judge he was about 16, maybe 17, and would weigh 115 pounds.

Q. And did you not discharge him upon his own recognizance?

(Contestant objects.)

A. The mayor ordered me to recognize that boy in the sum of \$50, with a man that was there by the name of Sampson, which was the boy's father (so I learned).

Q. Was not Sampson utterly insolvent?

(Objected to.)

A. I don't know anything about that.

Q. Did you require him to justify when he went on the burglar's bail bond?

(Objection by contestant.)

A. The mayor didn't tell me to justify him; he told me to recognize the boy with his father. I did that.

Q. Was Sampson a negro and the boy's father?

A. He was a negro and I suppose the son of the man that I recognized him with by order of the mayor. He was not marked arrested for burglary, he was marked arrested on suspicion.

Q. Was not that rather meager security to turn a man loose on who had been arrested for a capital felony?—A. I didn't know when I recognized him he was charged with a felony, and had I known it, having been ordered by the mayor, I should have accepted his bond as he told me.

Q. Was the mayor one of those who resigned after the election and left the city?—A. He resigned when I did, and I heard had left the city. I haven't seen him since.

Q. Do you know Mr. W. H. Chadbourn?—A. Yes, sir.

Q. Is he not a life-long Republican?—A. I don't know about that.

Q. Has he not been a Republican for years past?—A. He has been considered a Republican.

Q. Is he not at present postmaster of the city of Wilmington, appointed by President McKinley?—A. I think he is.

Q. Do you not know he is?—A. I do not, except from hearsay; I believe he is.

Q. Was he not postmaster during the campaign of 1898?

(This question and the preceding question objected to inapt time.)

A. Yes, sir.

Q. Is he not a man of high character and integrity, truthful, and reliable?

(Objection to question by contestant as immaterial and that this is not the proper way to prove the character.)

A. I decline to answer; I am not here on character.

Q. Why do you decline to answer my question; do you mean to say that Mr. Chadbourn is a man of bad character?

(Objection by contestant.)

A. I decline to answer you again.

Q. Are you unwilling to testify to the good character of a man like Mr. Chadbourn?

(Question objected to.)

A. I decline to answer.

Q. In your direct examination you spoke of two letters which were written during the campaign of 1898 by Mr. W. H. Chadbourn, and which are set out in Exhibit B. Please examine the issue of the Wilmington Messenger of date October 18, 1898, which constitutes part of Exhibit B, and state if the second letter written by Mr. Chadbourn is not as follows:

“WILMINGTON, N. C., October 18, 1898.

“Senator J. C. PRITCHARD:

“DEAR SIR: Since writing you on September 26 events have taken place in this community which necessitates some further explanation on my part in order to put myself right before the community here and also to correct any mistaken impression I may have made in your mind.

“For the sake of any fancied political advantage I can not afford to make a one-sided presentation of the situation in this city and county, and by naming only the white officials and leaving out the colored doubtless some advantage has been taken and a false color given to the actual situation, to which the business people and taxpayers, regardless of party, have made serious objections.

"As a matter of fact, there are in this county thirty-six colored magistrates and a colored register of deeds and various other minor officials, besides some Presidential appointees, and the property owners, taxpayers, and business men seriously object to this state of affairs, and there now exists here the most intense feeling against any sort of negro domination.

"There is a greater feeling of unrest and uncertainty about the maintenance of order than I have ever seen, and many, even the most conservative, feel that a race conflict is imminent, than which nothing could be more disastrous, not only to this city and county, but to the party in the State, and rather than have riot, arson, and bloodshed prevail here, I, Republican though I am, advise giving up the local offices in this county, as there are no national political principles involved in this contest.

"I had thought at first that it was merely the usual political cry and the fight for the offices, but I am now convinced the feeling is much deeper than this, as it pervades the whole community, and there seems to be a settled determination on the part of the property owners, business men, and taxpayers that they will administer city and county government.

"Your friend,

"W. H. CHADBOURN."

(Contestant objects and protests that contestee ought not be allowed to repeat long letters as the above when the same is already in evidence.)

A. I think it is.

Q. In writing that letter, did Mr. Chadbourn state the truth, or did he state a falsehood?—A. I decline to answer that.

Q. Do you not know that the statements made by Mr. Chadbourn in that letter are true?—A. I decline to answer.

Q. Do you know Mr. James H. Chadbourn, a director in the National Bank of Wilmington, and who was during the campaign of 1898 president of the Chamber of Commerce of the city of Wilmington and treasurer of the county of New Hanover?—A. Yes, sir; I know him when I see him; I have known him since he was a boy.

Q. Is he not a man of high character, truthful and reliable?—A. Mr. Busbee, the whole family of Chadbourns, who are great friends of mine, but I don't intend to answer any character question if I can avoid it.

Q. Do you decline to testify to the good character of James H. Chadbourn, who, I believe, has jr. to his name?

(Contestant objects.)

A. I decline to answer.

Q. What are his politics?—A. Some say he is a Republican and some say he is not; I don't know.

Q. Was he not a Republican during the campaign of 1898, and the Republican treasurer of New Hanover County?

(Objected to as immaterial.)

A. I don't know, sir. He was treasurer. I never heard him express his political sentiments and never saw him cast a vote.

Q. Was he not elected as treasurer of the county on the Republican ticket?

(Question objected to.)

A. No, sir.

Q. I repeat the question. Was he not, in 1896, elected on the Republican ticket as treasurer of the county?

(Objected to as immaterial.)

A. I don't know that he was. He was not.

Q. What ticket was he elected on in 1896?

(Objected to.)

A. I don't think he was elected on any ticket, sir.

Q. Was he county treasurer in 1898?—A. I think he was, sir.

Q. If he was not elected county treasurer on any ticket, how came he to be holding the office?—A. He was filling the unexpired term of his uncle, and elected by the county commissioners.

Q. Was he not elected treasurer of the county by a Republican board of county commissioners?—A. I don't know that he was.

Q. Who constituted the board of county commissioners that elected him?

(Objection by contestant.)

A. F. H. Dempsey, Jordan Nixon, and F. W. Foster.

Q. Were they not Republicans?—A. I think not.

Q. Wasn't Foster a Republican and Jordan Nixon also a Republican, and Dempsey a Populist who acted with the Republicans?—A. Col. Roger Moore and Mr. Alexander were Democrats on that board; that I neglected to state. Nixon and F. W. Foster, Republicans, and Dempsey, Populist.

Q. What is the character of Thomas W. Strange?—A. Good, so far as I know.

(Question objected to.)

Q. And of F. W. Kurchiner?—A. Never heard anything against Mr. Kurchiner's character.

Q. And W. R. Kenan?—A. Never heard Mr. Kenan's character discussed.

Q. And T. C. James?—A. I have made a mistake by answering the character of these gentlemen, and I shall decline to answer the character any more. I know nothing against him.

Q. Do you think you make a mistake in testifying to the good character of men when you are asked questions as to their character in a judicial proceeding?—A. I decline to answer.

Q. Then I understand that you will decline to answer any other question as to the character of the gentlemen whose names are signed to the resolutions of the Chamber of Commerce of Wilmington, which are printed on the sixth page of the Wilmington Messenger of date October 18, 1898, which constitutes part of Exhibit B, offered in evidence by contestants?—A. I decline to answer.

Q. Has anybody at any time suggested to you that you decline to answer these questions?—A. No, sir.

Q. I call your attention to the resolutions of the Chamber of Commerce, which appears, as I have stated, in the Wilmington Messenger of October 18, as follows:

"At the regular monthly meeting of the Chamber of Commerce, held Thursday, October 6, the following resolutions were unanimously adopted:

"Be it resolved by the Chamber of Commerce, That the political situation in this city and county is a menace to the peace and order of the community, in which property has no protection and the life of a citizen no security; that the feeling of unrest and apprehension following upon an incompetent public service, which, while it exacts tribute in taxes, offers no immunity from danger to the property or person of the citizen, is detrimental to every business interest, arrests enterprise, hampers commerce, and repels capital which might otherwise find investment in our midst. That such commercial stagnation and social disorder are the logical outcome of a condition which finds the control of government in the hands of corrupt and incompetent men whose authority fails to inspire fear in the worst element of our population as it does to command the respect of our best citizens; that this lawless and wholly irresponsible element, fortified by the conscience that the authorities are either impotent or unwilling to impose restraint upon them and protect life and property, convert liberty into license, perpetrate outrage on every hand, disturb the peace of the community, and offer indignities to our white women which have culminated in instances of personal violence to them on our streets, and in an attack on the virtue of the womanhood of our southland by the negro editor of the infamous daily record.

"Resolved, That in view of these intolerable conditions, it is the sense of this meeting that it is the duty of every good citizen to exert his utmost influence and personal effort to effect results which will restore order, protect property, and give that security to our lives and our homes which obtained only in civilized community.

"Resolved, That this chamber is sensible that its province is commercial and not political, and the intention or desire to enter the sphere of politics is distinctly disclaimed, but the conditions confronting us and calling for solution are commercial and social, and not political; and as citizens and business men, with the one desire to promote the prosperity, peace, and happiness of the community, we declare to the world that these blessings are not possible under government by the present political régime, whose existence and power are predicated on the blind adherence of the negro element of our population, which, taken as a whole, with some worthy exceptions, are under the most absolute bondage and domination of a few designing men of the white race, who, for selfish ends, play upon their prejudices to array them against order and good government.

"James H. Chadbourn, jr., president; Col. Thos. W. Strange, Col. F. W. Kurchiner, Capt. W. R. Kenan, Capt. T. C. James, Col. Walker Taylor, ex-Mayor F. H. Fishplate, H. K. Nash, N. Jacobi, M. W. Jacobi, Geo. Harriss, Geo. Harriss, jr., Samuel Northrope, W. H. Northrope, Thos. G. Bagley, I. W. Hicks, P. B. Manning, P. Pearsall, W. M. Eworth, T. W. Clawson; John L. Cantwell, secretary; W. H. Northrope, jr., Gabriel Homes, H. C. McQueen, C. C. Covington, J. H. Boatwright, John S. Armstrong, Wm. A. French, Walker L. Parsley, J. Allen Taylor, Hugh MacRay, F. H. Steadman, F. L. Huggins, John K. Williams, J. S. Stevenson, Geo. Rountree, R. M. Sweet, J. B. Mercer, W. J. Martin."

I ask you if the names signed to those resolutions do not comprise some of the largest property holders and most prominent and reputable citizens of Wilmington, both Republican and Democrat?

(Contestant objects to question for the reason that there is no evidence that any such resolutions as set forth in the above question were ever passed by the Chamber of Commerce of Wilmington.)

A. I decline to answer that, sir.

Q. I ask further if the men whose names are signed to those resolutions are not men of as high character as live anywhere on this earth?—A. I decline to answer that question, sir.

Q. I ask you further if the facts set forth in these resolutions were not true?—A. I decline to answer that, sir.

Q. I ask you further if the action of the chamber of commerce in this respect was not justified and required by the conditions then prevailing in the city of Wilmington?—A. I don't know that it was.

Q. Were not the statements made in the resolution true?—A. To that question I refuse to answer.

Q. If the statements made in the resolutions were true, were not the resolutions necessary?—A. To that question I refuse to answer.

Q. Did you know a negro named Manly, who was the editor of a paper published in Wilmington?

(Contestant objects to question as immaterial.)

A. Yes, sir.

Q. Was he active in Republican politics in the city of Wilmington?

(Contestant objects.)

A. I never saw him in a political meeting (as I ever saw).

Q. Do you remember a certain article published in his paper, which created great excitement in the city of Wilmington and elsewhere in the State?

(Question objected to by contestant.)

A. Yes, sir; I remember seeing an article in his paper that there was a great deal of turmoil about and editorial writing throughout the State, and it was generally thought, among the Republicans and Populists, that the Democratic party or leaders hired him to write the editorial.

Q. Did not Manly denounce as a lie the suggestion or intimation that he had been hired by the Democratic party, or by any Democrat, to publish the article in question?

(Objected to.)

A. I don't remember ever seeing that in his paper. I don't say he didn't do it; in fact, I never had much to do with that fellow, anyway.

Q. Is the article in controversy the same article that is copied in the Wilmington Messenger of October 18, 1898, on page 6, as follows:

"We suggest that the whites guard their women more closely, thus giving no opportunity for the human fiend, be he white or black. You leave your goods out of doors and then complain because they are taken away. Poor white men are careless in the matter of protecting their women, especially on farms. They are careless of their conduct toward them, and our experience among the poor white people in the country teach us that the women of that race are not any more particular in the matter of clandestine meetings with colored men, than are the white men with colored women. Meetings of this kind go on for some time, until the woman's infatuation or the man's boldness bring attention to them and the man is lynched for rape. Every negro lynched is called a big, burly, black brute, when in fact many of those who have thus been dealt with had white men for their fathers, and were not only not black and burly, but were sufficiently attractive for white girls of culture and refinement to fall in love with them, as is well known to all."

Is that the article that was published by Manly in his paper, and which created the excitement mentioned?—A. That reads very much like it; I presume it is the same.

Q. Do you not think that that article, published in a Republican paper, edited by Manly, would naturally cause the white men of Wilmington to make a supreme effort to restore the government of white men to their city and county?—A. I think that if Manly did not get a good round price for that editorial he ought to be put in the asylum for crazy. I don't believe there was a hundred men in my county that didn't condemn that, regardless of race, color, or politics.

Q. Will you please name any man who ever made the allegation that Manly was paid to publish that article?—A. I thought he was paid myself. The reason I thought so was the Democratic party permitted that paper to issue daily, from the 17th day of August or thereabouts up to the election.

Q. Did you think that, on account of that article, the paper ought to have been suppressed or destroyed, and that the people of Wilmington were to be blamed because its publication was permitted to continue?—A. The Democratic party permitting that paper to run, led myself and others, quite a lot of them, to believe that that was such a good campaign document that they didn't desire the suppression of that paper.

Q. You say "led you and others." Who, besides yourself, did you ever hear say Manly had been paid to publish that article?—A. Well, I can't remember names; but I heard numbers and numbers say so. I can't remember names. Didn't take any notice of the names. I saw it in the public press—newspapers. I saw it in papers, I think, in papers from Wake County referred to it that Manly was paid. It

was common to hear it remarked that Manly was paid for that editorial. I heard it time and again.

Q. Name one man whom you heard say so.—A. I have answered that question.

Q. Name the newspaper in which you saw the statement made that Manly was paid to publish that article.—A. I am not positive, but it was either the Home Rule, or the Progressive Farmer, or the Caucasian, or some little paper; I don't know which.

Q. Can you not be more definite than that?—A. No, sir; I read a good many papers and I could not remember which one I saw it in; but I know I saw it a good many times, but I know I heard it.

Q. Did not the negro ministerial unions in Wilmington, Lake Waccamaw, and Fayetteville indorse the article by resolution?

(Contestant objects to question as immaterial to the issues involved in this case.)

A. They might have; I don't know for certain; I don't remember.

Q. Did you not see in the Wilmington daily papers that the ministerial union at Wilmington had indorsed it?—A. No, sir; I say they may have done it; I don't remember seeing it in the paper; they may have done it.

Q. Did not on the night of the day on which the Messenger first published the article, or on the night afterwards, a mob of negroes numbering some 1,200 or 1,500, and armed with guns and pistols, assemble at or near the building in which Manly's paper was published, for the purpose of protecting him from an apprehended attack?

(Question objected to.)

A. I never met any armed body of negroes, or never saw any at that place armed with guns or pistols, or anything like that number.

Q. Did not, within your knowledge, a large number of negroes assemble at or about the time mentioned at or near the house where Manly's paper was published?

(Question objected to by contestant.)

A. It was a week or more after that article was published—longer, not shorter, if anything; and I received the report at the city hall from the captain of the police that there was a mob or a large crowd of negroes in front of the Record office. I said, well, captain, why didn't you disperse them? He said, well, I did try to disperse, but they didn't seem willing to do so; and says I, well, I will go down and disperse them. I taken an officer with me. I had an officer down there in consequence of an application that Manly had made to the mayor for protection to his office, in consequence of a letter he had received through mail, that they were threatening to burn his office or kill him, or something or other. I don't remember exactly what. I went down and took the man on the adjoining beat, and drove the crowd off the street, dispersed them, and returned to the city hall. I saw no guns, no arms of any kind, except sticks; occasionally a fellow had a stock piece of wood or box.

Q. Were not many of the negroes the same negroes who had guns and pistols on the night when the hospital was burned?—A. If they were I didn't know them. I knew some of the darkies who were down there that night—18 and 20 years old—crap shooters and reckless kind of negro boys, and I had several in the guardhouse, and one of them in particular had just got out of the guardhouse that day.

Q. Mr. Melton, do you know F. W. Foster?—A. Yes, sir; I have been seeing him for the last twenty-five years.

Q. Is he a man of good character?

(Contestant objects as immaterial and foreign to the issues involved in this contest.)

A. I decline to answer that, sir.

Q. What were his politics in 1898?—A. Some said he was a Democrat, and some Republican.

(Objected to.)

Q. Tell me one man who you ever heard say he was a Democrat.—A. Well, I don't remember who I heard say so. It was a common thing that he was working with the Democrats, though he claimed to be a National Republican.

Q. If such talk was so common, as you say, surely you can remember the name of one man—just one—who said he was a Democrat.

(Objected to.)

A. I can't call to mind any particular man now.

Q. Was he not elected on the Republican ticket as chairman of the board of county commissioners in 1896, and was he not such chairman during the campaign of 1898, until the courts made a decision that he could not hold two offices, to wit, chairman of the board of commissioners and chairman of the county board of education?—A. I think so, sir.

Q. Did he not vote the Republican ticket in 1898?—A. Not that I know of; I never saw him cast a vote in my life.

Q. Do you not know, or have you not heard the fact, that he voted for Mr. Dockery and against Mr. Bellamy?—A. No, sir; I never heard.

Q. And you say you are not willing to say that he is a man of good character?—

A. I won't answer that question.

Q. Have you ever read a letter written by Mr. Foster, or rather a statement made

by him to a reporter of the Wilmington Messenger, which appeared in that paper on October 21, 1898, on page 8?

(Contestant objects to the question.)

A. I read a letter at one time, written by Mr. Foster, in the Messenger, I think; I think he signed it; I don't know whether he wrote it or not; his name was signed to it.

Q. Were the statements made by Mr. Foster in that letter, or interview, true or false?

(The interview of Mr. Foster is here handed the witness as it appears in Exhibit B, at the witness' request.)

(Question objected to.)

A. I have not had opportunity to read the sense of that article enough to answer.

Q. Have you not just this moment read it?—A. I run over it, but my glasses don't suit my eyes and I can't see very well through them; and before I would pass upon the validity of an article of that kind I would like to read it carefully.

Q. As it is now the hour at which we have agreed to adjourn until to-morrow, I will be obliged if you will read the article mentioned and in the morning inform me whether the statements contained in it are true or false.

At 11 o'clock p. m., April 20, court takes a recess to 8.30 April 21.

Court met April 21, at 8.30 a. m., pursuant to recess taken April 20.

Q. Have you read the statement of Mr. Foster since last night?—A. I have.

Q. I now repeat my question. Are his statements true or false?—A. Some of it is true; the bulk of it I don't know whether it is or not.

Q. Please state which of his statements are not true.—A. I don't know which are not true; I know what is true.

Q. You stated on your direct examination that in a speech made by former Congressman A. M. Waddell, and printed in the Wilmington Messenger of October 25, 1898, which constitutes a part of Exhibit B, that he said that they would carry the election if it was necessary to blockade the Cape Fear River with dead bodies. I now hand you his speech, as reported in said paper, and ask you to point out to me any statement by Colonel Waddell in regard to carrying the election.—A. If you remember my statement, I said it was about the purport of the language; I didn't know exactly; don't remember the exact words.

Q. Do you mean, then, to say that you desire to withdraw your statement that Colonel Waddell said that they would carry the election as you stated?—A. I mean to let statement stay just as I made; but I didn't mean to pretend to quote Colonel Waddell's language exact.

Q. Then I ask you if you were not in error when you stated that Colonel Waddell said that they would carry the election as you said?—A. Colonel Waddell said, "I mean the governor of this State, who is the engineer of all the deviltry and meanness." And his language is, "Let them understand, once for all, that we will have no more the intolerable conditions under which we live. We are resolved to change them if we have to choke the current of the Cape Fear with carcasses. The time for smooth words has gone by; the extremest limit of forbearance has been reached. Negro domination shall henceforth be a shameful memory to us; be everlasting warning to those who ever seek to revive it again. To this declaration we are irrevocably committed, and true men everywhere will hail that with a hearty amen."

Q. I again ask you to point out in Mr. Waddell's speech where he said anything about carrying the election, or admit that you are in error when you stated that he did say so.—A. Colonel Waddell was making a political speech in the way of carrying the election when he made the remark that they would choke the Cape Fear with carcasses.

Q. I ask you if you did not testify on your direct examination that you did not hear Colonel Waddell's speech, but only saw it as printed in the paper?—A. I think I said that, sir.

Q. Then I again ask you to point out to me in the paper where he said anything as to carrying the election.—A. I think it's in the article, but I don't care to go through it.

Q. I ask you if the intolerable conditions to which Colonel Waddell alluded were not the local conditions which then existed in that section of the State, the misgovernment of the city of Wilmington and the county of New Hanover, the failure of the authorities to protect person and property, the numberless fires and burglaries which are committed in the city of Wilmington, the utter inefficiency of the local police officers, the universal protest against the condition of things from every law-abiding person in the community, the insults and outrages made and committed by negroes upon white women, all of which produced a sentiment which was expressed in statements of Mr. Chadbourn, the Chamber of Commerce. Mr. Foster, and Colonel Waddell. I ask you if these were not the intolerable conditions to which Colonel Waddell had reference?—A. I think the biggest object Colonel Waddell had was to

get a position and office. He had been out of public life for a long time, and that was his opportunity to put himself before the people and pose as a patriot, thereby getting to the feed trough.

Q. Do you think that Colonel Waddell's only motive in speaking of the "unspeakable crime" and in denouncing the article published by Manly was to secure some office for himself?—A. No, I don't think that. Every good citizen condemns Manly's article, be he white or black, Republican, Populist, or Democrat, as also they do for the nameless crime against the fair sex.

Q. So then, in that respect, you think that Colonel Waddell's speech was honestly and truthfully made?—A. As regards that one particular, that last question? Yes; as regards the Manly letter.

Q. Do you think his speech was honest in regard to the conditions resulting in the city from the numberless fires and burglaries?—A. I think that Colonel Waddell's motive was to get a position.

Q. Do you not think that, independent of the election, the conditions would have changed if the mayor and yourself and the police force then in power had resigned and turned the local government over to others?—A. I think the Democratic press would have failed to note any shortcomings in their party administration of city and county affairs; and if things hadn't improved—crimes hadn't diminished—the public would never have known it.

Q. Do you not know that as soon as the local government was changed that the intolerable conditions of which Colonel Waddell spoke were ended?

(Objected to for the reason that the question assumes that intolerable conditions existed, and there is no evidence of that fact.)

A. I do not know that the conditions have changed anything beyond the officers having changed.

Q. Notwithstanding the opinion of contestant's counsel as to what constitutes intolerable conditions, I ask you if upon the change of the local government, if fires and burglaries and insults of white women by police officers did not cease?

(Objected to.)

A. I don't know that they have. I never knew of a white woman being insulted by a police officer.

Q. Did you not hear of the following occurrences while you were chief of police, namely: A daughter of Mr. Henry Strouss was thrown off or shoved off the sidewalk by negroes and struck over the head with an umbrella; a daughter of the Rev. Dr. Hoge, pastor of the First Presbyterian Church, was shoved up against a fence by negroes on Third street and seriously bruised? I mention these incidents as samples.

(Objected to as immaterial.)

A. I never heard of Mr. Henry Strouss's daughter being shoved off the sidewalk or being struck over the head with an umbrella. I saw an account in some paper about some young lady being shoved off the sidewalk on Seventh street, but I don't recollect any name. To-day was the first time I heard of Dr. Hoge's daughter being shoved. I did hear that Dr. Hoge was in the riot with his gun.

Q. So, then, your ears were open to hear that Dr. Hoge participated in the preservation of good government in the city, and your ears were shut against hearing anything concerning an assault by negroes upon his daughter?

(Objected to by contestant as immaterial and a statement of facts that did not exist.)

A. No, sir; my ears were not closed for anything. I tried to hear all I could.

Q. Was not this the same Dr. Hoge who recently received a call to the pulpit of the Presbyterian Church in New York, made vacant by the resignation of the Rev. Dr. John Hall?—A. I don't know, sir.

Q. You stated a moment ago that you saw an account in some paper about some young lady being shoved off the sidewalk. Did you make any effort as chief of police to ascertain the name of the lady or name of the negroes committing the assault and to bring the latter to trial for the offense?—A. I did.

Q. What effort did you make?

(Objected to by contestant.)

A. Sent an officer in the neighborhood where they reported that it was committed to find out who the lady was, and find out who it was that assaulted her; and my recollection is that he couldn't ascertain the name of the lady and nobody knew who the party was that shoved her off the sidewalk, and said it was a very trifling matter.

Q. Who reported the matter to you in the beginning?—A. I got it from the newspaper.

Q. Was not the name of the lady published in the newspaper?—A. Not in the paper I saw it in. I never read it in a newspaper.

Q. What paper did you read it in?—A. I don't remember.

(Contestant objects.)

Q. Do you mean to say that the police authorities under your command at that

time were unable to discover the name of a lady upon whom an assault was committed in broad daylight upon a public street?

(Objected to.)

A. They reported to me they couldn't find out the lady's name or who assaulted her.

Q. How did it happen that everybody in the city knew the name of the lady, that her name was published in the newspapers, that the incident was denounced in public speeches during the campaign, and that you and your police officers were utterly unable to discover her?

(Objected to, as the same assumes to be true the fact that did not exist.)

A. I don't know that that was so.

Q. What effort did you personally make to find out who she was?—A. I didn't make any personal effort. I sent an officer up to investigate the matter in the neighborhood.

Q. Did it not occur to you that when you found that your police officers were unable to obtain any information about an outrage of that character that the duty devolved upon you as chief of police to make some investigation yourself?

(Objected to.)

A. I thought that the assaulted or aggrieved party, if they felt any interest in the matter or grievance in the cause, that the lady or her friends would make a report at the office and assist me in finding him.

Q. Did you think that the duty of discovering and arresting an offender of that character devolved upon the person who was assaulted and not upon the police force?

(Objected to.)

A. Police generally expect, when they go out to make an arrest, that first there must be something reported—somebody has done something and that somebody looks like something. If that lady or her friends had come to the city hall and described the party that assaulted her, naming somebody possibly that she knew that was in that neighborhood, it would have greatly aided the police in bringing the guilty parties to justice, but there was no report of that matter made at police headquarters; I only acted on what I saw in the papers.

Q. In speaking of police methods as you do, you mean the methods that then prevailed in the city of Wilmington?—A. I mean the methods that generally prevailed at police headquarters.

Q. Do you know W. B. Troy?

(Objected to.)

A. I don't know that I do.

Q. Do you know Preston Cumming?

(Objection.)

A. Yes, sir.

Q. I mean the W. B. Troy whose name is signed to the following affidavit, which appears in the Wilmington Messenger of date October 29, 1898, which constitutes part of Exhibit B, to wit:

"Personally appeared before me, Preston Cumming, a notary public, of the city of Wilmington, State of North Carolina, W. B. Troy, formerly of Columbus County, N. C., now of 303 East North avenue, Baltimore, Md., who, being duly sworn, said:

"That on the 21th day of October, 1898, I was on the Carolina Central Railroad train at Laurinburg, N. C., and heard O. H. Dockery say to a negro man who got on the train at Laurinburg: 'My old pistol has not been loaded for twenty years, but it is loaded now. We are going to have trouble. Arm yourself and go armed.'

"W. B. TROY."

"Subscribed and sworn to before me this 28th day of October, A. D. 1898.

"PRESTON CUMMINGS, Notary Public."

I ask you if you saw that in the paper and if you know that the negroes in Wilmington took the advice of their Congressional candidate?

(Objected to.)

A. I saw that article in the paper. I don't know whether any negro took the advice of Mr. Dockery or not; I never saw any evidences of it.

Q. Do you know Mr. William E. Worth, one of the leading business men in the city of Wilmington?—A. Yes, sir; I know Mr. Worth.

Q. Is he not a man of the highest character?—A. Mr. Worth is a man I think a great deal of. I am not going to testify as to character.

(Question objected to.)

Q. I call your attention to a letter from Mr. Worth to Dr. G. M. Chapman, published in the Wilmington Messenger of October 25, 1898, which constitutes part of Exhibit B, in which Mr. Worth says:

"MY DEAR SIR: I find your letter of the 11th here on my return this a. m., and while I have very pressing matters that need my attention, I deem this matter of

such importance that I shall answer your letter first. The two negroes, Lee and McAlister, certainly live here, and at the address given in the letters lives McAlister. They certainly applied to the Odell Hardware Company at Greensboro for the twenty-five Winchester rifles. There is but one construction that can be put upon this action. The negroes are not overburdened with money, and as these rifles cost about \$13 each they must have relied upon some other source than their own to get the money to pay for them. Up to the time of their applying for the rifles there had been but very little talk of trouble, and nothing done by the whites to cause them, the negroes, to fear any trouble."

I ask you if the facts stated by Mr. Worth are not true?

(Question objected to by contestants.)

A. I don't know whether they are true or not.

Q. I ask you if you would not take any fact deliberately stated by Mr. Worth to be the truth?

(Objection.)

A. I wouldn't doubt Mr. Worth's statement on anything, but I don't know anything about that matter.

(The contestee puts in evidence especially the remainder of Mr. Worth's letter as it appears in Exhibit B.)

The contestant objects to contestee putting in evidence a letter reported to have been written by Wm. E. Worth at this date, as the time for contestee to introduce evidence in this cause has passed.)

Q. Were you in Wilmington on election day?—A. Yes, sir.

Q. Was not the election quiet and peaceable?—A. I didn't visit the polling places but very little that day; we were anticipating trouble and did not know where. I spent most of my time that day with an extra force of men, in order to lead any emergency. I was at the polls where people voted, colored people, and went away, particularly.

Q. I did not ask you what you anticipated; I asked you whether there was any trouble or disorder at any precinct in the city during the day that you heard of or saw?—A. There was no disorder that I heard of. What intimidation was used was before the election, not during election day.

Q. Were you intimidated?—A. No, sir.

Q. Did you vote?—A. I did.

Q. Were any of the men whom you mentioned in your direct examination as the Big Six intimidated?—A. I don't know; I think they were, some of them.

Q. Which ones?—A. Well, Mr. Chadbourn seemed to be excited over the matter prior to the election.

Q. Who intimidated Chadbourn?—A. I don't know; the Democratic party, I reckon.

Q. Did he vote?—A. I don't know whether he did or not.

Q. Do you not know that all the Big Six voted?—A. No, sir; I don't know that. I heard that Mr. Foster and Mr. Chadbourn were going to vote the Democratic ticket.

Q. Do you not know that both Mr. Chadbourn and Mr. Foster voted for Dockery?—A. I do not know that.

Q. And do you not know that the other three of the Big Six also voted for Dockery?—A. I do not know how the others voted; I know how I voted.

Q. Do you know that 98 per cent, or about that, of the negro vote was cast and without any difficulty or trouble?—A. I do not know that, sir.

Q. Will you give me the name of a single person in Wilmington who was prevented from casting his vote as he desired?—A. I don't know any names; I heard of lots of people didn't vote; I didn't make any notes; I didn't expect to have to testify.

Q. Was any report made to you during the day of election of any effort upon the part of anyone to hinder or prevent any person from voting?—A. I don't remember that there was.

Q. If any such effort had been made it would naturally have been reported to you, would it not?—A. No, sir.

Q. To whom would such report have been made?—A. They generally make these reports to the leaders in the different parties, just like the Republicans did two years ago. They then had Colonel Waddell hired to attend elections and see that men voted correctly.

Q. Were the party leaders charged with the preservation of order in the city, or did that duty devolve upon the police department?—A. In all elections where there is a controversy at the polls the reports are generally made to party leaders. They generally have their attorney visit the polling places and adjust matters and permit the party to vote or not, as the case may require. Mr. Bellamy knows all about it—he has visited them.

Q. Was it not the duty of the police department to prevent disorder and trouble at the polling places, if any was threatened?—A. Not only at the polling places but anywhere in the city.

Q. And I understand you to say that no reports of any trouble or disorder was made to you by any of your officers?—A. Yes, sir; I said that, during the voting period. I had reports after the close of the polls.

Q. You stated in your direct examination that you received certain little pamphlets with crossbones and skulls; do you know by whom they were sent?—A. No, sir.

Q. You also stated that you received verbal communications from friends that you were liable to be killed; please state the names of your friends who made such communications to you.—A. They bound me in secrecy that I was not to divulge their names and I promised I would not do it.

Q. How can we prove that they were altogether in error unless you give us their names?—A. I don't know how you are going to prove it.

Q. You also stated that threats were communicated through Democratic papers?—A. Yes, sir.

Q. Please state what threats were made by any Democratic paper to prevent any person from voting.—A. I don't remember the copies of the paper nor reading what paper it was in. That was common that they were going to carry the election. I don't remember the exact language, but then the papers were full of just such stuff as that. Men were refused the right to register. If they registered they were threatened to be discharged and were discharged, so they said.

Q. Give me the name of any person who was prevented from registering or from voting on account of any threat contained in any Democratic paper or otherwise.—A. I don't know that I can give you names. I don't remember the names of the colored people, but it was said that Captain Boatwright and Mr. Jacobi and some of the employees of the Wilmington and Weldon Railroad yard were discharged for voting.

Q. I asked you if every one of those persons, if any such there were, did not vote after having registered?—A. I don't know whether they did or not.

Q. Can you give me the name of anyone of them who did not vote?—A. I don't know their names; don't remember their names.

Q. You stated in your direct examination that your understanding and the general understanding the Big Six were to be killed; please tell me who stated any such thing to you or to any other person?—A. It was stated to me, but I am bound not to tell it. The man that told me about it belonged to the White Government Union and I was pledged not to give it away. He was a responsible man and good citizen, and my friends and I have a wife and children in Wilmington, and were they not there I would not give them away.

Q. How can I show the erroneous nature of your testimony unless you give me these names?—A. That is your affair not mine.

Q. Do you think it my affair to give evidence which is only within your own knowledge?—A. I don't know.

Q. Was any effort made during the campaign to interfere in any way with the registration or voting of anyone of the Big Six?—A. Not that I know of.

Q. You stated in your direct examination that you knew yourself of as many as 1,500 guns in use prior to the day going to the burning of the Record office. I ask you if that was not after the election?—A. Yes, sir.

Q. What was the Record office?—A. A small wooden building on seventh street, between Church and Ninth streets.

Q. I mean what paper was published there, and by whom?—A. They said the Record was published there by a colored man by the name of Manly—a mulatto fellow.

Q. Was that the paper in which the article which you denounce in your evidence was published?—A. It was.

Q. You stated that these guns were in the city before the election; how do you know that?—A. I had seen from time to time before the election the same parties that I saw that day with guns just like they had that day, on the 10th of November, previous to the election.

Q. Were not these the guns that had been procured by the property owners of the city for the purpose of enabling them to guard their property against incendiaries and burglars?—A. I don't know that they were.

Q. What was the character of the persons who were present at the destruction of the Record office; were they not very largely the leading citizens of the city of Wilmington, including clergymen, merchants, lawyers, doctors, and mechanics?—A. They consisted of the leading citizens of the city of Wilmington, and down to the lowest classes.

Q. In regard to that transaction, and in regard to the matter that led up to it, were your sympathies with Manly or with the citizens who participated in the editorial?—A. Manly never had any sympathy from me at no time after writing that editorial.

Q. You stated that there was an organization of Red Shirts and of Rough Riders during the campaign and you saw them parade the streets on one occasion; how many persons were in each organization when you saw them parade, and what did you see

them do? I do not ask what you heard; I want to know what you know of your own knowledge.—A. I saw those people were a square and a half from me; I don't know how many there were—possibly 75 or 100; I didn't count them, or attempt to count them; they were riding along, and I didn't see any disorder.

Q. Was not Theodore Swann, captain of the Red Shirts, a Populist?—A. No, sir; I don't think he was a Populist; he was a Democrat who claimed to be a Populist.

Q. Do you not remember that in a proceeding before Judge Robinson instituted by the Republicans to remove Swann as a registrar, that Swann swore that he was a Populist, and that the judge ordered that he be retained as a Populist registrar?—A. No, sir; I do not know that.

Q. Did you not hear that the judge had retained him as a registrar?—A. I know that he was retained as a registrar, and performed the duties. I did not know that he swore he was a Populist, but it would not surprise me for him to swear to anything, for that matter.

Q. Did not Swann and other Populists in Wilmington accuse you of selling out the Populists and going over to the Republicans?—A. I think, probably, they did; they would accuse me of anything that Mr. Bellamy would direct them to, probably, or the Democratic leaders.

Q. Would they do that on account of the influence that Mr. Bellamy had over them, or on account of your general character?—A. They would do that because they were Democrats claiming to be Populists; because they could serve the Democratic party, their party, much better claiming to be Populists.

Q. You mean to say, then, that they had formerly been Populists, but in the last campaign were acting with the Democrats?—A. I mean to say that I don't believe they ever had been Populists.

Q. Did they not act with the Populist party in 1896?—A. I don't think they did.

Q. How then did they ever come to be known as Populists?—A. Because they claimed to be Populists, as I assigned a while ago, because they could render greater service claiming to be Populists, getting in as poll holders and registrars, giving the Democrats to the other one.

Q. Do you mean to say that that is the way the Populist in Wilmington acted in the last campaign?—A. I mean to say that the Democratic party don't reward the Republican party with office. Mr. Theodore Swann was rewarded with an office under the Waddell administration immediately after he had taken charge, and I will venture the assertion that there is not a true and tried Populist holding an office under the Democratic régime anywhere.

Q. Did not Swann and the other Populists to whom you allude support Martin for Congress in 1896?—A. If they did, I don't know it. I don't believe they did.

Q. Did they not profess to do so in that campaign?—A. I don't remember hearing them declare themselves. I am sure I never heard Theodore Swann so declare himself.

Q. If they did support Martin in 1896 and Bellamy in 1898, does not that to some extent account for the change of the Congressional vote in New Hanover?—A. That would make a change of 10 or 12 votes.

Q. Do you mean to say that there were only 10 or 12 Populists in the county?—A. I mean to say there was only 10 or 12 of that crowd, those Democratic Populists.

Q. Give me the names of those who, as you say, constitute "that crowd"?—A. There was Theodore Swann, Sylvester Bryan, a fellow by the name of Bell, and Archie King, and Joe King. I know them all, but I can't recall their names.

Q. Was L. R. Mason one?—A. L. R. Mason was a good Populist, but they got him fooled up over there about their church, and he mixed religion and politics. They either mixed their religion and politics or couldn't separate them.

Q. Was J. W. Taylor one?—A. He was one of their crowd; yes, sir.

Q. Did not J. R. Canandy and J. C. Waltham belong to the crowd?—A. Yes, sir; they were Democrats.

Q. And C. L. Frost?—A. Yes, sir.

Q. Now I ask you if Joseph M. King, L. W. Mason, J. W. Taylor, J. R. Canandy, J. C. Waltham, C. L. Frost, J. J. Bryan, and F. F. Bell did not constitute the Populist party central committee of New Hanover County?—A. I don't know as they did. They might have had a central committee among themselves. They had an organization of their own.

Q. Did they not as such central committee of the People's party issue an address which was published in the Wilmington Messenger October 29, 1898, which is part of Exhibit B?—A. I have no doubt they did. They may have issued a hundred addresses. They were issuing addresses all the time. I don't know how many.

Q. You stated in your direct examination that an appointment for speaking by Senator Pritchard, Senator Butler, Governor Russell, and Mr. Dockery was not filled. I ask you if that speaking was not abandoned by agreement between the merchants and business men of Wilmington and Governor Russell?—A. I know it was not filled. I don't know why. If it was by any agreement, I have no knowledge of it.

Q. Were not the two nominees of the Democratic party for the house of representatives, Mr. Peschau and Mr. Kerr, withdrawn from the ticket after consultation between Governor Russell and certain Democratic merchants in Wilmington, and Mr. Rountree and Mr. Willard put on the ticket in their places upon the agreement and understanding that if that was done no Republicans would be nominated for the house?—A. I know they were taken down after having been nominated and had made a portion of the canvass. Mr. Peschau had been speaking around.

Q. Was not the agreement to the effect that if the Democrats would take down Peschau and Kerr, who were in favor of impeaching Governor Russell, and nominate Rountree and Willard in their places, who were acceptable to Governor Russell, that the Republicans would not nominate any members of the house or county officers?—A. I don't know anything about any agreement. If there was such an agreement I was not a party to it and knew nothing about it. I know they were taken down and Mr. Willard and Rountree were put up on the Democratic ticket.

Q. Was not what I have asked you universally understood in the county?—A. I don't know that it was; there was some talk about taking them down and some said Governor Russell had something to do with it. I don't know anything about that part of it.

Q. Did anything that was agreed upon and done in respect to the legislative and county ticket have any effect upon the Congressional vote?—A. It might have. I think it would. You would be able to get out a larger ticket for the county than you would for the Congressman and State senator.

Q. Do you not know that the aggregate Congressional vote in 1898 was only 58 votes less than the Congressional vote in 1896, which was a Presidential year?—A. I do not know that, sir.

Q. Well, if that is true, then the arrangement in regard to the county and legislative ticket did not materially affect the Congressional vote?

(Question objected to.)

A. Not unless there was an increase in the voting strength of the county by immigration and young men coming of age.

Q. Do you not know that one reason that influenced the Republicans, especially Governor Russell, to agree to such arrangement was to swell the vote for Mr. Dockery, by separating it from any county contest, and thereby aid in defeating Mr. Bellamy, to whom he was bitterly opposed?—A. No, sir; I do not.

Q. You do not say that such was not the fact?—A. I say I know nothing of it.

Q. You stated in your direct examination that many colored people stated to you that they were not going to register or vote. Give me the names of any negroes who did not register because they were afraid to do so.—A. I don't remember names. Some colored people. I did not tax my memory, never expecting to be questioned on the matter.

Q. You said in your direct examination that you were induced to leave Wilmington. I ask you how many times have you been charged with crime before a justice of the peace or other court and what were the charges?—A. I was charged once with making a false arrest, one that I made under telegram from the governor of South Carolina and the governor of North Carolina.

Q. What was the name of the party?—A. Robert Daniel.

Q. Were you not convicted of that offense in the criminal court of New Hanover and fined \$100 and costs?—A. I was convicted, but not fined \$100 and costs.

Q. What was the sentence of the court?—A. My recollection is \$40 and the cost, and half the fine remitted, and I paid \$20 and the cost, is my recollection.

Q. Was not Mr. Daniel a young man raised in the city of Wilmington and well known there and entirely unconnected with any charge against any person in South Carolina?—A. It so turned out that he was, but he had recently been in South Carolina, and my wire ordered the arrest of Robert Daniel and I arrested him. I was ordered to hold him.

Q. Were you not while chief of police a frequenter of the barroom of one Isaac Rhodes, where you constantly or frequently played cards?—A. I went to Rhodes's saloon sometimes. I might have played a few games of cards there—not for any consideration—just for amusement—while waiting for somebody or something.

Q. Did you not while chief of police have a row with one Branch in Rhodes's barroom, growing out of the fact that he refused to speak to you?—A. No, sir.

Q. Did you have any altercation with Branch in said barroom?—A. I did not. I placed him under arrest for abusing me while I was there on business. I found out afterwards that it was because I had made his little boy pay 25 cents for impounding a jackass or a jenny ass—I don't know which it was—while I was there on some business with Mr. Rhodes. He was a butcher, and I had hogs in the pound, and he owed me some pound fees and I went down there to collect them. Mr. Rhodes was engaged in a game of cards, and while waiting for him to get through Branch came in and commenced abusing me—cursing me. I placed him under arrest and carried him to the station house. He gave bond, and the next day swore the case away from the mayor. Went before a justice of the peace and was found

guilty and taken an appeal to the criminal court. Before court convened I was mobbed out of Wilmington. Mr. Bellamy defended Branch in that case—Mr. John D. Bellamy.

Q. Was he acquitted?—A. Not before the magistrate. I don't know in the court. Probably he was. There was nobody there to appear against him, I don't reckon.

Q. Did you not arrest Branch on that occasion simply because he refused to speak to you and without any warrant?—A. I arrested him for cursing me and abusing me.

Q. Do you not think that the police department of the city of Wilmington was improved by your resignation?—A. I do not.

Q. Does not everybody else in Wilmington think so besides yourself?—A. I don't think they do.

Redirect examination:

Q. You stated in your cross-examination that you had under you ten negro policemen. State what the duties of these negro policemen were and your instructions to them.—A. I tried to keep them on the hills as much as possible, among their own color, and my instructions were not to arrest white men if they could avoid. Let the white men arrest the white men.

Q. State if under a Democratic administration of the city of Wilmington if negro policemen were ever employed.—A. There was one negro policeman on the force during the whole of the Democratic administration of the city of Wilmington. His name was March Walker, and he couldn't write his name, so they say.

Q. You stated in your cross-examination that there were a number of fires in Wilmington while you were chief of police of that city. Now state how long before the election was it these fires occurred.—A. The bulk of those fires occurred in 1897, prior to the establishing by the city government of a paid fire department. After the establishment of a paid fire department, which was some time in the latter part of April or the 1st of May, we had comparatively few fires in the city of Wilmington.

Q. After the city began to pay the fire department you say there were comparatively few fires?—A. Yes, sir; that's what I said.

Q. Do you know who burnt the boat and rosin mentioned by you in your cross-examination?—A. Suspicion pointed to one Fred Howley, an ex-Democratic policeman.

Q. Where is he now?—A. In the State penitentiary.

Q. You stated in your cross-examination that there was some burglaries in the city of Wilmington during the time you were chief of police. Please state the population of Wilmington and if the burglaries that occurred during that time were unusual in number for a seaport town of the population of Wilmington.—A. I don't think the number of burglaries were much in excess of former years. When people leave their houses to go to watering places and summer resorts, these burglaries have commonly been committed during that season of the year and generally committed by a class of small boys, white and colored, principally colored. But the summer and fall of 1898 being an election year and the tremendous hard fight made by the Democratic party, those burglaries were somewhat magnified and published to some extent more than other years. As soon as the owners or occupants of those buildings returned to their homes, those burglaries measurably ceased. The population is variously estimated at from 25,000 to 27,000.

Q. Were there any burglaries in the city just prior to the election of 1898?—A. I don't know that there were; I don't remember now.

Q. When was the pesthouse burned; how long before the election?—A. The pesthouse was burned some time in February, about nine or ten months previous to the election.

Q. State if during the time the fires occurred in Wilmington and the burglaries mentioned by you if men armed with rifles and shotguns paraded the streets.—A. They did not.

Q. When was the first that you saw men armed with rifles and shotguns parading the streets of Wilmington?—A. I don't remember the date, but some time in the latter part of September or October, 1898, was when I seen the rifles generally, people toting them to and fro.

Q. Did this continue up to the day of the election of 1898?—A. Yes, sir; it did.

Q. Were these men who were armed and who paraded the streets just prior to the election and up to the election paid by the city of Wilmington or employed by them to protect that city against fires and burglaries?—A. They were not paid by the city government and were not employed by them. They were not out by authority of the city government.

Q. State what course the Republican executive committee of New Hanover County took in regard to the editorial of Manly, editor of the Record.—A. They met, the executive committee did, and condemned the article and the editor of the Record.

Q. When was that article written and how long did Manly remain in the city of Wilmington after it was written?—A. He remained in Wilmington, issued his paper

daily up to a week or thereabouts before the election. The article was written on the 17th of August, I think, or published then. The paper continued to issue after Manly left, I think, up to the burning of the press.

Q. Who supported the Record, published by Manly, during this time?—A. It was supported, or its largest advertisements were from Democrats. I remember having seen Mr. Rivenbark and also Mr. J. H. Reeder advertising. I know them two. They are both Democrats.

Q. Resolutions were read to you on your cross-examination which were purported to have been signed by persons who signed their names Col. Thos. W. Strange, Col. F. W. Kurchner, Capt. W. R. Kanan, Capt. T. C. James, and a number of others whose names were read to you. You stated that you declined to answer whether the statements made in these resolutions were true or not. Now state why you declined to answer that question.—A. I have a family in Wilmington, a wife and children, and I didn't want to do anything that would bring about any personal controversy.

Q. What is the politics of the men whose names appear at the bottom of said resolution?—A. They are Democrats, all except possibly one; I don't know what his politics is. There may be more than one.

Q. State if these men took any part in the campaign of 1898.—A. Yes, sir; several of them were active in the campaign—most of them.

Q. On your cross-examination you declined to answer the question whether the statements made by W. H. Chadbourn in his second letter to Senator J. C. Pritchard were true or false. Now state why you declined to answer that question.—A. Mr. Chadbourn is a man I personally like and I didn't want to charge his article as being false, and for that reason I thought I would evade it and avoid hurting his feelings.

Q. You declined on your cross-examination to testify as to the general character of W. H. Chadbourn and those who signed what purported to be a resolution of the Chamber of Commerce of Wilmington, and as to the general character of a number of others. Now state why you declined to answer those questions.—A. The reason I declined to do that is, I have a family in Wilmington, a wife and children, and they have had trouble enough; for that reason I don't want to speak about no one to get into any personal controversy.

Q. I ask you if the statements made by Senator J. C. Pritchard in reply to W. H. Chadbourn's second letter were not true, and if the matters discussed in the letter by him were not in all respects a true exposition of the political situation in North Carolina and the Sixth Congressional District?—A. I thought when I first read that letter it was. I think so yet.

Q. Were the statements made by A. M. Waddell as to the political conditions that existed in Wilmington prior to the election, which speech was reported in the Wilmington Messenger, true or false?—A. In a great many instances they were magnified and others they were false. Some few remarks might have been true.

Q. You stated in your cross-examination that Dr. Hoge, the pastor of the Presbyterian Church of Wilmington, was one of the rioters who was present at the burning of the Record office, did you not?—A. No, sir; I didn't say he was present. I heard he was in the riot.

Q. I ask you if the Presbyterian Church of the city of New York of which Dr. John Hoge has been pastor, which church had called the Rev. Hoge to take charge of that church as pastor, did not cancel their call of the said Hoge and refuse to receive him as pastor of that church because of the part he had taken in the Wilmington riot, and in advising the use of shotguns, and if this fact was not published in the papers of this State?—A. I don't know. I haven't been in the State until quite recently. I saw some account of that in some paper, but I don't know what paper it was; or I heard some one talking about it. I don't read the State papers much.

Q. The attorney for contestee seemed to criticise you and the police officers under you in his questions for not arresting somebody that had pushed somebody off the street in the city of Wilmington when no police officer was present. Now state if you ever make arrests in minor offenses of this character without a warrant based upon an affidavit, unless some officer is present when the offense is committed?—A. We never do. Sometimes we swear out a warrant—which I should have done in that case if I could have found the party—upon information received, but no policeman can make an arrest on hearsay evidence, and are instructed not to do it without a warrant.

Q. I ask you if an officer under the laws of the State of North Carolina has any right to make an arrest in a case of simple assault unless upon a warrant based upon an affidavit when the officer is not present and sees the assault?—A. They have not.

Q. You say in this case that, after inquiry, you could not find out the name of the party assaulted nor the party assaulting?—A. That is right; I could not.

Q. You stated in your cross-examination that Joseph M. King, L. M. Mason, J. W. Taylor, J. R. Canady, J. C. Waltham, C. D. Canale, S. J. Boyce, and P. F. Bell might have had a central committee among themselves. Now, state if they were the cen-

tral committee of New Hanover County of the People's Party, duly appointed by the People's Party?—A. They were not recognized by a large majority of the Populists in New Hanover County; outside of L. M. Mason they were not recognized as even being Populists.

Q. I ask you if the purpose of Governor Russell in advising the taking down of the local Republican ticket was not for the purpose of restoring quiet and good order?—A. That was generally thought the cause of it.

J. R. MELTON.

Sworn to and subscribed before me this April 21st, 1899.

[SEAL.]

E. J. BEST, Notary Public.

W. J. HARRIS, being duly sworn, deposes and says:

Q. Please state your name, age, and residence.—A. Got no home; I was run away from it. My name is W. J. Harris; my former home was Wilmington, N. C.; my age is 50 years the 9th of next June.

Q. What is your politics?—A. I was borned and bred a Republican.

Q. Where were you during the campaign of 1898 and on the election day of that year?—A. In New Hanover County, of this State.

Q. What official position did you hold, if any, on election day?—A. I was unfortunately enough to be one of the poll holders of the First Ward of the first precinct in the city of Wilmington.

Q. State the character and nature of the campaign waged by the Democratic party in the Sixth district of North Carolina and in New Hanover County in 1898.

(Question objected to, as witness has not qualified himself by stating that he knows anything about the campaign.)

A. I dispute the contradiction; I know all about it; and furthermore I can almost tell you of the hatching of the Red Shirts. Well, in the first place, in regard to intimidation I, for one, was right smartly intimidated, and I don't know the names of others, but know the Republican voters and Populists that failed to vote and some voted the Democratic ticket. Populists voted the white supremacy ticket through fear, or at least that is what he told me—he was the last man I spoke to in Wilmington. Well, I am a little ahead of my story right now. Well, as I said just now I was ahead, I am going to say this: As we Republicans was so intimidated that we could hardly get a quorum, except on the first meeting, and I went to headquarters according to the agreement and understanding I would find probably the man that lit the lights. Well, everything looked very gloomy, and they would talk about guns, and I would say to them, "Put some sand in your craw, there is talk of guns, but it is all a bluff, and don't be afraid." If I told one that, I told a thousand. Well, I went to the party leaders, and they seemed to be torn and wrecked in mind. A more stronger and resolute set of people—for that matter you may put the ladies along with them—they made efforts to intimidate us in a slight way by remarks and tell me individually to come over and be a white man. My reply to them was, that I am as white as any of you, and furthermore what would you think of me if I was to vote the Democratic ticket. We have enough Benedict Arnolds in the Republican party now. They would say, Did you see Chadbourne's letter?

(Witness, here speaking to contestee's counsel, says: "Well, if I am suiting you I want to change my evidence.")

Counsel for contestant says that witness did not say that he would change his evidence, but that statement is the understanding of the counsel for contestee and made a part of the record at their dictation.

Counsel for contestee says that the notary in making the above entry states accurately the language that fell from witness's lips.)

WITNESS. With all due respect to Mr. Busbee and Mr. Bellamy, but I emphatically say that they are laboring under a mistake.

Q. I mean by my question the methods employed by the Democratic party in New Hanover County and the Sixth Congressional district in their campaign of 1898.—A. Well, they done so much I hardly know what they done. In the first place, the county commissioners seemed to pick out men as Republicans and Populists that did not fill the bill. At the polling place where I was at as a registrar the Populist, or in other words those that represented the Populist party, were as strong Democrats as ever I saw; and the gentlemen that was to represent the Republican party as judge, he failed to attend on challenge day, trial day, and election day.

Q. You state in your answer to my two last questions above the Democrats made efforts to intimidate and did intimidate; now state any acts on the part of the Democrats or the leaders of the Democratic party calculated to intimidate and which did intimidate the Republican vote.—A. They just simply say that they are going to carry this election let it cost what it may, and everybody, it seems like, has lost their heads, in the Democratic party. It looked to me—and talk about being intimidated, I aint very big, but long about election time, the way they would

guy me, I didn't feel much bigger than my thumb, not only me, but everything that was connected with the Republican party. I have heard them make different remarks about the chief of police, Mr. Bryan, the superintendent of the streets, and the mayor, and in fact anyone that was anyways inclined to be a Republican.

Q. Will you quit generalizing and give any specific acts on the part of the Democratic party, or the leaders of that party, during the campaign of 1898, calculated to intimidate and which did intimidate the Republican vote?—A. Well, there was threats made about different ones if they even registered that they would lose their jobs, and you could see guns carried around.

Q. Did they arm themselves with guns?

(Objected to as leading.)

A. Well, if you had been there you would have thought so. Just after the election there was plenty of arms there, and in Democratic hands.

Q. State what the Democrats were doing armed in the campaign of 1898.

(Objection by contestee, because the witness has not said that the Democrats were armed until after the election.)

A. That's a mistake; they would have had to had them arms to have so many of them on election night, and before the election it was a common occurrence to see them carrying Winchesters around the streets. I should judge that they were carrying them home.

Q. Do you know anything of an organization known as "Red Shirts," and an organization known as "Rough Riders," in your county during the campaign of 1898?—A. Yes, sir; I know them so-called "Red Shirts" and "Rough Riders," and I have always thought that they were just a gang. You would thought they were a nice-looking set when they got down on Fourth street when they left that barbecue. On one occasion I happened to be down on Market and Front, and I thought they had been drinking fighting whiskey. I saw them knock down a couple of negroes, and it looked as if they were going to paint the town red that night. The night after the election they come and give me a salute of about 36 guns, but I didn't let them know I was there. When I got up next morning a fellow by the name of Mr. Chadwick, he said, "Well, my God, man, I thought you were shot all to pieces." I says, "No, I am still in the ring;" but I didn't go out, and the next night they give me about 12, I think. A little ahead of my story again. You can imagine what kind of a reign of terror it was and how I felt. When I left my home that morning I says, "Annie," that was my wife, I says, "In case them fellows kill me you tell them to trot me down to the undertaker's shop, and if I come home wounded just tell them you ain't got no money to pay doctor bills and to send me to the hospital," but I still lived; but the night of the election I thought the old boy was gone. We had quite a little gathering in regard to some of the rules, and I was the only Republican that stayed there and stuck it out. I had a gentleman there to help me a little while, and I says to him, "Where are you going?" He says, "I am going home," says, "you don't know what I know." So, somehow another—I don't want to mention names, because we have always been as friends—but by some means there was 25 tickets put into a box; I saw a hand and peculiar kind of movement going on, and I was expecting something all the time.

(Contestee's counsel objects to the foregoing answer.)

Q. In behalf of what party did the Red Shirts and Rough Riders work?—A. It was Democrats and white supremacy. Some of them wore two buttons.

Q. State the number of Red Shirts and Rough Riders that you know who operated in Wilmington.—A. I should judge from that parade that there were probably 100.

Q. State the methods advised by the Democratic press in your district to carry the election in '98.

(Question objected to because not within witness's knowledge.)

A. Well, the papers was full of it all the time, of letters, and about this thing and that thing and the other thing.

Q. What was the "this thing and that thing and the other thing" you speak of in your answer above?—A. Well, I couldn't—in fact, I couldn't quote anything that I saw in the paper right now, but everything was in them was so hot and disgusting to Republicans that I just couldn't read them.

Q. Please state the substance, if you can, of the general tenor of the editorials and letters in the newspapers.

(Objected to because the witness has just said he could not quote them and that he just could not read them.)

A. In other words—well, it was just to down the Republicans and weaken them and to buoy up all of the Democrats, as far as I read of them.

Q. Do you know the effect of the use of rifles and shotguns by the Democrats and the effect of the Red Shirts and Rough Riders and the other methods employed by the Democratic party upon the Republican organization of New Hanover County?—A. It had a big effect.

Q. What was the effect?—A. Just had everything their own way, and later on they used them and did some shooting with them.

Q. What effect did it have upon the Republican organization of New Hanover County, if any?—A. It had such an effect that there was no ticket put out on account of the rumors, and we couldn't organize. You couldn't get them together. The leaders that we had—Mr. Chadbourn got weak-kneed; he crawled. Mr. Foster, Mr. Fred Rice—and we were just completely torn up. Speak of having speeches. I go to Mr. G. V. French and others. I say, "Why don't you have somebody here? Why don't you do so and so?"—telling them that the opportunity, in my opinion, of doing anything and putting off so long; that if they didn't watch, they would beat us; which they did. I put the blame of losing New Hanover County on Mr. Chadbourn, Fred Rice, and Mr. Foster. When we were organized and those men were in the party and stood up like men, we could carry the county easy; and by their going back on us and the Red Shirts flying about and the guns it just got the Republican voters so that they were afraid to register and come up to vote.

Q. State, if you know, whether the Republicans registered and on election day come up to the polls and voted and worked for their party as they had in the elections prior to 1898.—A. No, sir; they did not. Furthermore, I should term it snap judgment on them on challenge day. There was an old lady in there with her son. She wanted to prove he was old enough to vote. I says to the chairman, "Suppose we try this man first, so this old woman can go home." He says, "That's all right. We will tend to that torekely." And when the hour of 10.05 arrived he got up there and read the names off, and every man that was not there; shut the book. I says, "Gentlemen, that's not right nor fair. I expect to go to Washington on that load of polls, and," says I, "John D. Bellamy will never take his seat in Washington if you are going to act that way. If you are going to beat us, beat us fair."

Q. Then you do not think that the vote cast in Wilmington and New Hanover County was a true expression of the will of the people?

(Objection by contestee.)

A. To a certain class it was, but to others it was not. No; for I told them all we wanted was a fair chance; but I didn't think they were going to bring guns out and scare them off like they did, and talk about discharging them, and so on. Well, I want to cut this as short as I can, and I want to relate a little something another about them 25 tickets that was over and above the count. We had quite a to do there about it, and eventually some of them would say, "To hell with it, we are going to have it anyhow." Every one of them abused the governor. Mr. Dockery and I got a few lines too, but I just stuck up, and in order not to have any fuss I told them if they would take off fifteen I would take ten, and after a long controversy there, everything getting to a fever heat, I says to an old gentleman that seemed to be the coolest man in the house—Mr. Gansey [I goes up to him, lays my hand out like that]—"I will leave it to this gentleman, what he says;" and finally he said that Harriess was right, and then they cooled off, and I signed the documents. By the way, I would like to finish this first. It happened in the box the votes for State senator, and not in the Congressional box. Well, after we got through counting them tickets, of course I had an invitation to go with them to the court-house, but such a time I knew it was pretty squally out there. Well, I says, "Old boy, brace up." I knew I didn't have no protection whatever. After we came out the war begun. I goes pretty close to the boxes, but I didn't take anyone, thinking that I could have all I could do to get there myself. I came out of the door. It looked to me like old men, young men, boys, would get in front of me and try to hinder me from going either way. Some would put out their foot and try to trip me up. I had gone then, I suppose, 50 feet, and some would say, "Kill the d— * * *". Others would say, "Oh, no; not yet." Some say, "Hit him on the head with a brick;" others say, "Oh, no; not yet." Some would say, "Shoot him." Well, eventually we got to the court-house, and I thought I would get out then, and it looked like as if they were going to take me off somewhere. About that time Mr. Theodore Swann, he come in, and they say to him in the court room, "How did they go?" Says, "We carried them; we can carry it any time if it was not for them d— white-livered * * *". About that time they were in a little kind of a wrangle, talking. I gets a move on myself, and I was not long getting to the city hall, and a few little fragments were in the city hall, and they told me, "You can just consider yourself and us as prisoners of war." Well, it was so uncomfortable outdoors that night with the Red Shirts; some called them militia, too. They were all round, you know, with guns. Along about 5 o'clock in the morning I gets home. Well, I thought the war was over. I come down the street, and I sees one of the city officers. I says, "I don't believe this thing is over with yet." So I takes it on myself to look around, and I goes up to a place on Front street, and I says, "How you feeling?" Oh, he says he was on duty all night; says he was out guarding; the negroes going to rise. I says, "The negroes going to rise? I haven't heard no such talk," I says. "Furthermore, I don't believe you seen one last night." I was there inquiring to see what was going on. By and by Frank's brother comes up, and they get to talking, you know, and I happened—but I ain't much of an eavesdropper, but I happened

to hear that; that's what I was looking for, you know. I heard him say to his brother, he says, "Them New York paper men left here in disgust," or words to that effect; said they thought they were going to have something to report; but, he says, "You wait; to-morrow will be the day;" and, sure enough, it was.

Q. State if there was any talk that Red Shirts would come from the South Carolina line, or from outside the city?

(Question objected to.)

Q. State anything you may know of people from outside the city coming into the city.—A. One of as nice little men and a gentleman told me that they were looking for parties both ways. Well, I thought he told the truth. This was after the election—election night.

Q. State, if you know, who the "Big 6" mentioned in the Wilmington Messenger were, and what was to be done with them.—A. Well, there was so many papers going on that I didn't pay much attention to it, but I know the men. G. Z. French was one, Dr. Wright, Bill Chadbourn, Locke, and Chief Melton. Names kind of slip my memory; Foster was the other man. Well, it seems as though some of them was very badly frightened. Well, it was generally understood that they were to be shot.

Q. Why to be shot?—A. I don't know of any other reason, only for doing what the President of the United States done, and that was work for the interest of the Republican party.

Q. How come the "Big 5," described by the Wilmington Messenger?—A. Because Mr. Chadbourn got weak-kneed, and, you may say, in a manner turned Democrat, indirectly if not directly. It seems on challenge day that Mr. Chadbourn give his Democrat employees the use of his horse and buggies, or registration and challenge day together, you might say, and I don't think there was many of us Republican voters registered or tried to vote; furthermore, I heard one of his—

Q. Did Senator Pritchard, Senator Butler, Governor Russell, and O. H. Dockery, the contestant in this cause, make an appointment to speak in Wilmington just before the election of 1898?—A. Yes, sir.

Q. Did they fill their appointment?—A. They did not, nor I don't blame them.

Q. Why not?—A. Well, if I had been either one of them I would not have done it, on account of the threats and everything like that. Mr. Dockery was there at Wilmington, but it looked so dangerous that he failed to make any speech, and was advised not to.

(Answer objected to.)

Q. Why was he advised not to speak by the Republicans?

(Objected to.)

A. Do him bodily harm, or some way or another.

Q. Did he make a speech in the city of Wilmington at any time during the campaign of 1898, or did he speak in any part of New Hanover County during that campaign?—A. Don't think he did—not in any part of the county.

Q. Were you in the city of Wilmington the day the Record office was burned?—A. I was.

Q. State who the leader of the crowd that burned the building was.—A. I saw Colonel Waddell going that way, but so many around it I couldn't say whether he led them or not.

Q. What was the character of the crowd that burned that building?—A. Well, I should pronounce them Democrats; a mob of Democrats.

Q. State all that they did on that day, as you now recollect.

(Objected to.)

A. I will answer that when they left the Record office I see them heading down Seventh street. I walked up pretty sharp to get out the way. I went to Red Cross, takes Sixth street on my way home. About the time I got nearly to the corner of Fourth and Swann it just sounded to me like a battle was going on. The mob then was between Hornet and Bladen; somewhere about there. It was most too hot there for me to stay, and I goes in my house and goes to the window and looks out, and I saw one man fall just this side of Will Turley's place. They kept on shooting, and that's the last I know of that day.

(Answer objected to because it relates to matters that occurred after the election.)

Q. What became of you after the election?

(Question objected to.)

A. Well, on the 11th I thought things had cooled off; I slips in a roundabout kind of a way until I come to Princess street and there I goes to the city hall. I looks in the mayor's office; I saw such a gang in there I didn't go in. I went over to the treasurer's office then and they told me there to get away and hide just as soon as I could, for a few days anyhow. I sees a sergeant; he tells me what they done to Chief Melton and Charlie Gilbert, and he says, "For God Oh Mightie's sake get away from here just as quick as you can." Well, I saw how things was and I thought it my duty to go and tell what Republican friends I had the dangers. I done it, and

through all the cursing and slurs I managed to get home. About that time my wife had just come from her cousin's, and there was a young friend of mine that came up and says, "Mr. Harris, I got bad news to tell you." I says, "Spit it out," I says, "no time to be scared now." "Well," he says, "they are coming up here right now, a big army; going to run you out just the same as they did Chief Melton." So I goes in the house, shakes hands with my wife, kisses her, bids this young friend good-bye, and I started. I weren't happy either. Well, I knew I weren't going to be scared. I gets out on the corner where I could kinder see if them Red Shirt fellows was coming, and I got in conversation with some of my Democrat friends and I saw a squad, and I just bid him good-bye, too. I didn't know what was coming. I meets up with a gentleman a little farther on. I didn't go right straight. I says, "Won't you come and take a walk?" We got out on the edge of town. I says, "Well, how did you vote?" "Why," he says, "I had to vote white supremacy. Always had been a Populist before." When we got out to what they called the Y my troubles commenced again. This gentleman that was with me says, "What do you think by shooting that way?" I says, "Come on, don't look back." We got on a little slant of a hill. He says, "Let's set down here."

Q. Please state what became of you after the election. I don't care anything about the conversation you relate, but state what became of you after the election.

(Question objected to as immaterial to this controversy, and a repetition of the question just asked.)

Counsel for contestant asks the second question for the purpose of directing the witness as to what the question was and in order that immaterial matter may not be set up in his answer.)

A. For information, do you mean the night after the election? Well, I was home two nights after the election and the next place I stopped at was the county home. I saw Mr. Watson there and then from there to Rocky Point; stopped at Rocky Point a few days; stopped in Goldsboro about an hour, I reckon; then I came to Raleigh. From Raleigh to Greensboro and from there to Randolph County; from there to Raleigh now.

Q. Have you been in the city of Wilmington since you left there just after the election?—A. No; nor I am not a going until things cools down to what it is now.

Q. State where your wife and children are.—A. My wife is in Wilmington.

(Question objected to.)

Cross-examination:

Q. Mr. Harriss, did you vote in the last election?—A. I did.

Q. Did you vote the Republican ticket?—A. I did.

Q. You were not sufficiently intimidated to keep you from voting?—A. No; but I done it in this way: I put it off until the last thing, and they told me the Republican party was dead, I says, "Gentlemen, you see how these look" (had the Republican ticket in my hand), says, "Be kind enough to put that in the box there, and if the Republican party dies I will die with it."

Q. You said that during the campaign the Democrats in Wilmington, including ladies, would guy the Republicans; is that so?—A. I found it so by my own relations.

Q. Didn't your wife guy you in that way?—A. Well, I think that is a very absurd question to put to a man.

Q. Haven't you said that she was a Democrat, and in favor of white supremacy?—A. Perhaps I have, but there is no need for it to go on record.

Q. Please give me the names of any persons who were prevented from registering or voting in the last election.—A. Well, I did have the names of several, but I lost my book. I can't recollect names but I can recollect faces.

Q. Can you not give me the name of any persons who were so prevented?—A. No, sir; but I am confident that there were a lot of them who did not vote, because of the intimidation.

Q. Then I understand you to say that you do not know, as a fact, that anyone was intimidated, but that you supposed it was so?—A. I will say this, they were either bought off, scared off, or something was the matter with them that they stayed off from the polls and did not vote.

Q. Give me the name of one man who stayed off from the polls, as you say.—A. Well, it is like I tell you, I don't know the names; but for information for yourself and Mr. Bellamy you can find out by going around Chadbourn's mill, if I understand things right.

Q. Do you mean William H. Chadbourn?—A. I don't know anything about Wm. H. Chadbourn, it is Chadbourn's mill. I mean to say that I don't know whether Wm. Chadbourn owns any interest in the mill.

Q. You were a poll holder at the first precinct of the First Ward in Wilmington. What was the number of the negroes registered at that box?

(Question objected to because the record is the best evidence.)

A. I never taxed my mind with anything like that.

Q. How many negroes registered at that box failed to vote?—A. Quite a number, to the best of my knowledge.

Q. Can you approximate the number?—A. No, sir.

Q. Was there not a full negro vote at that box, and did they not vote the regular Republican ticket?—A. All the negroes but one or two or three voted the Republican ticket that voted.

Q. Were you at the precinct during election day?—A. Yes, sir; I was there.

Q. Was there any intimidation attempted there that day by any person?—A. Not that I saw. I did not go outdoors.

Q. Did you hear of any outdoors?—A. No, sir; I did not hear of any on that day. All the intimidation that I saw was before the election.

Q. What intimidation did you see before the election?—A. Well, it was just this; those Red Shirts, and such carrying on as they had, and the remarks generally, and from what you could hear in the newspapers. You could hear people reading and talking about what they were going to do, and various things they did to weaken Republicans. I got some little grit, but they certainly weakened me.

Q. You spoke in your direct examination of the Benedict Arnolds in the Republican party. Did you refer to William H. Chadbourn, Fred Rice and F. W. Foster, and James H. Chadborn, jr.?—A. I think if the cap will fit them they had just as well wear it as any one I know of.

Q. I did not ask you about fitting caps but I asked you if you alluded to those gentlemen?—A. I have some respects for men's feelings and I don't want to hurt them.

Q. Can you not say whether or not you had reference to them?—A. I will say this, if they are not direct Democrats, that they are the greatest sympathizers with them of any men that I ever knew to call themselves Republicans.

Q. I ask you if the result of the election in New Hanover County was not largely attributable to the sympathy, as you say, of such men with the Democrats in the issues involved in the election?—A. With the way they acted, and the Winchester rifles, that is the principal cause of it.

Q. Did not the gentlemen whom you named sympathize with the Democrats on account of the effort they were making to restore decent and respectable government to the city of Wilmington?

(Objection by contestant.)

A. I don't know what their motive could have been, except cowardice.

Q. Did they not publicly assert that their motive was the one I have mentioned?—A. I fell out with them some time ago and do not try to keep track of them or their affairs, since they went back on our party.

Q. Who is W. H. Chadbourn, and what office does he now occupy?—A. He is postmaster at Wilmington.

Q. Who appointed him postmaster?—A. Well, the Republican party appointed him, of course. We took him to be a Republican.

Q. Has he not heretofore been the Republican collector of the port of Wilmington, and a Republican member of the State senate?—A. I don't recollect of it.

Q. Has he not for years been one of the leading Republicans of Wilmington?—A. Well, he was crowned with that honor.

Q. Is he not a man of high character?—A. I never inquired into his character.

Q. Has not Fred Rice for years been a leading Republican in Wilmington?—

A. Well, the way Fred has acted, and for the respect of his father, I would rather not say anything about him.

Q. Is he not now the Republican deputy collector of the port of Wilmington?—A. He is connected with the custom-house. I don't know how.

Q. Has he not been a State senator and alderman and city treasurer under the Republican party?—A. I believe he has.

Q. Has not Mr. Foster for years been a Republican leader in Wilmington?—A. He has been trying to be a leader.

Q. Is he not a man of character, a large property owner, and influential in the community?—A. I just tell you I don't know what kind of a man Foster is and his business.

Q. Is not James H. Chadbourn, jr., one of the wealthiest men in Wilmington, a director of the National Bank of Wilmington, recently county treasurer and a man of high character and influence?

(Question objected to by contestant.)

A. I never had much to do with Chadbourn; I don't know much about him.

Q. Was he not the Republican county treasurer during the last campaign?—A. He had been there a little while.

Q. Did not these gentlemen vote for Dockery in the last election?—A. I was not down at that precinct; I don't know what they done.

Q. Do you not think that the fact that these Republicans cooperated with the Democrats in the effort to get rid of the local government and conditions prevailing

in Wilmington last year, is strong evidence that those conditions were, in the language of Colonel Waddell, intolerable?

(Contestant objects to the question.)

A. I think we had a very good government there myself. Of course it was not to the wishes having so many colored policemen, because I am satisfied they had to do their duty in regard to patrolling the city at night.

Q. Do you know whether or not there were numerous burglaries and incendiary fires in the city during the years 1897 and 1898?

(Contestant objects to the question as immaterial.)

A. It looked as though we had a heap of fires there at one time, but after we got a paid fire department it looked as though the fires about stopped—very seldom a fire. In regard to burglary, it has always been going on there.

Q. You stated in your direct examination that you saw a company of what you called Red Shirts and Rough Riders parade the streets one day when there was a Democratic barbecue. Did you ever see them at any other time?—A. Yes; I have seen them on several occasions, two and three at a time. The biggest bunch was at Dry Pond. I was afraid to go over, from what I could hear.

Q. What were they doing on these occasions when you saw one or two?—A. They were behaving pretty roughly.

Q. How?—A. They kept going up and down Front street and going to the headquarters.

Q. Where were the police while this was going on?—A. About as well to try to arrest the Cape Fear River as to do anything with that gang.

Q. Do you mean to say that the police, under their redoubtable chief, could not arrest one or two or three men who were acting roughly on the public streets?—A. After they were arrested they would be bailed out and then be worse than ever. As for the chief of police and policemen, I don't care where you bring your policemen from, or chief either.

Q. Do you mean to say that the police refused to arrest men who were behaving roughly on the streets because, if arrested, they would be bailed out?—A. They had arrested them and that was the result—they were bailed out; if you arrested some of them, what I saw would be like bees.

Q. You stated that you saw before the election some men on the streets who were going home with guns. You mean they had bought guns and were taking them home?—A. They were taking them home, or taking them somewhere. I never inquired.

Q. You stated that Senator Pritchard, Senator Butler, Governor Russell, and Mr. Dockery made an appointment to speak in Wilmington and did not do so. Do you not know that this appointment was canceled by the Republicans after a consultation between Governor Russell and the business men of the city?—A. There were a good many rumors going on at that time, but my opinion is that it was put off so long and so many threats that I think the leading Republicans of New Hanover County almost thought or did think it would be suicide for them to come there to speak.

Q. I did not ask you for your opinion, but I asked if the appointment was not canceled after a full conference between Governor Russell and a committee representing the business men of the city?—A. Directly, I know nothing of it; but as I stated before there were a great many rumors.

Q. You stated that you thought that Mr. Dockery did not speak in any part of the county. I ask you if it is not likewise a fact that Mr. Bellamy did not speak in any part of the county?—A. If Mr. Dockery spoke in the county I did not hear him; and as far as Mr. Bellamy is concerned he had plenty there to do the talking for him.

Q. Did you go outside of the county during the campaign?—A. I don't believe I went further than the cemetery during the campaign, that I can recollect of.

Q. Then your testimony only applies to what occurred in New Hanover County, and that you know nothing of what occurred outside the county except from hearsay?—A. That is about right. Since the election I have seen and talked with a great many people, both Democrats, Republicans, and Populists.

Q. What office did you hold under the last Republican board of county commissioners?

(Question objected to as immaterial.)

A. If you can call it an office, I had a little old picayune job as standard keeper.

Q. Were you not discharged from that office by the Republican board of county commissioners?

(Question objected to as immaterial.)

A. Colonel Foster wanted to discharge me and wanted to give it to a Democrat. I held on to my position until they run him out. I finally resigned at the request of my bondsmen to Rodger Moore.

Q. What was the charge against you which induced this Republican board to elect another standard keeper?

(Contestant objects as immaterial.)

A. Doing the same as Mr. Foster did.

Q. What was that?

(Question objected to.)

A. I done like a great many other gentlemen—I drank a little too much whisky.

Q. Did you not fight against removal and refuse to deliver up the weights and measures to your successor?

(Objection by contestant.)

A. I did not consider that I had one.

Q. Did not the county commissioners employ counsel to get the weights and measures away from you?—A. I gave bond for the weights and measures; I had just as much right to hold possession of those tools for two years, or as long as my bond stood good.

Q. My question was, did not the county commissioners employ counsel to get the weights and measures away from you? Please answer that question.—A. The so called Republican county commissioners had Mr. Bellamy employed.

Q. Which Mr. Bellamy?—A. Marsburn Bellamy.

Q. In the language used by you on your direct examination was it “fighting whisky” that you drank?

(Question objected to.)

A. It was not fighting, but it might have had a little determination in it.

Q. Was not the charge against you habitual drunkenness?

(Question objected to.)

A. I never heard talk of any such thing until such times as they wanted to appoint me registrar.

Q. Was not W. H. Chadbourn a surety on your bond, and did you not deliver up the weights and measures because he directed you to do so when he was threatened with suit upon the bond?

(Objection by contestant.)

A. Dr. Wright was the man that talked to me; he was the man on my bond.

Q. I call your attention to an article in the Wilmington Messenger of date October 20, 1898, on page 8 at the head of second column, beginning Rep-Pop W. J. Harris. This paper constitutes part of Exhibit “B.” Are you the Harris mentioned in that article?

(Objection by contestant.)

A. I don’t know whether it makes any material difference, but for explanation I will say it was me.

W. J. HARRIS.

Sworn to and subscribed before me this April 21, 1899.

[SEAL.]

E. J. BEST, *Notary Public*.

L. H. BRYANT, being duly sworn, deposes and says:

Q. Please state your name, age, and residence.—A. L. H. Bryant, 68 Magnolia, Duplin County.

Q. Please state your politics.—A. Populist.

Q. Where did you live during the campaign of 1898, and on election day of that year?—A. Wilmington, N. C.

Q. How long had you lived in that city?—A. Been living there thirty-two years with the exception away three years.

Q. Do you know the character of the campaign waged by the Democratic party in the Sixth Congressional district of North Carolina, and in New Hanover County in the year 1898, and the methods employed by them in said campaign?—A. No, sir.

Q. Do you know of any of the methods practiced by them in said campaign? (Contestee objects to the question because witness has just said that he does not know.)

A. I don’t know a thing in the world, but I saw four men coming from the railroad as carpenters; they had a 16 shooter a piece, and one of them came into my house and told me not to vote and not to go about the election, that’s all I know.

Q. Do you know anything of an organization in the city of Wilmington during that campaign known as Red Shirts or Rough Riders?—A. I saw them one time eight or ten days before the election.

Q. Please state the conduct of the Red Shirts or Rough Riders you saw.—A. I only saw them one time, and I saw them coming down Market street, and I don’t know what they done nor where they went to.

Q. Were they armed or not?—A. No, sir; they wasn’t armed.

Q. Did you have any conversation with any Democrat prior to the election regarding guns?—A. No, sir; I did not, only these guns I spoke of first.

Q. State if you know whether Republicans were intimidated by any of the methods employed by the Democrats in the campaign of 1898.—A. I never heard it.

Q. Do you know of any other facts occurring before the election of 1898 that might be of benefit to the contestant in this cause?—A. I don’t know of any.

Q. Were you in the city of Wilmington when the Record office was burned?—A. Yes, sir.

Q. State briefly an account of that occurrence.

(Question objected to as immaterial.)

A. I was there and saw the smoke of it; that's all I know about it—and seed several thousand people on the street and I went the other way.

Q. State the conduct or manner of the crowd that burned the building, if you know.—A. I don't know.

Q. State anything you may know of any colored people who were driven out of the city of Wilmington either before or after the election.—A. With my own knowledge I can't do a thing with it.

Q. State anything that you may have heard of the same.

(Question objected to as hearsay.)

A. I don't know anything of my own knowledge.

Q. State, if you know, in conversation with others or otherwise, why the Republican ticket for the county was taken down and why no opposition was made to the Democratic county ticket by either the Republicans or Populists?

(Questions objected to as hearsay.)

A. From my own knowledge I don't know anything about it. I don't like to tell hearsays. Well, I never heard much about it. My work was not politics about that time.

Q. State, if you know, of your own knowledge or information from others, of any indignities shown to Mr. Melton, chief of police, or any other Republican official of the city of Wilmington either before or after the election of 1898.

(Question objected to.)

A. Me and Mr. Melton was standing at the pound—went out there to look at some hogs—and a mob took him right out. When they started off with him they started back after Gilbert. I went into the hall the back way and when I got in there Frank Boykin, a Democrat, jumped at me and said, "Capt., you resign in five minutes; if you don't you will go with me," and I went in there and resigned. This was after the election was over three days.

Q. What official position did the Democrats force you to resign?—A. I don't know whether they did it or not. The position I held was superintendent of the streets.

Q. You say you live in Magnolia, N. C., now?—A. Yes, sir.

Q. When did you move to that place?—A. I moved there about the 1st of January, I think.

Cross-examination:

Q. Did you vote in the election?—A. Yes, sir.

Q. Without any trouble?—A. No trouble at all.

Q. Did your position as superintendent of the streets keep you constantly on the streets in various parts of the city?—A. All the time.

Q. Were you compelled by anybody in any way to move to Magnolia?—A. No, sir.

L. H. BRYANT.

Sworn to and subscribed to before me this April 21, 1899.

[SEAL.]

E. J. BEST, *Notary Public*.

I, E. J. Best, notary public, resident in the city of Raleigh, N. C., do hereby certify that the foregoing are depositions of R. B. Russell, J. R. Melton, W. J. Harriss, and L. H. Bryant, witnesses for contestant, taken before me in the cause of Oliver H. Dockery, contestant, v. John D. Bellamy, contestee, on the 19th, 20th, and 21st days of April, 1899, in the city of Raleigh. That the questions proposed by the parties in said cause, together with the answers thereto, are reduced to writing by J. B. Ford, as clerk, in the presence of said notary public and in the presence of the attorneys of each party to said cause; and that prefixed to said deposition is a true copy of the notice of contest and of the answer of the returned member; and that the notice of taking said depositions, together with the proof of service thereon and a copy of the subpoena served on the witnesses named in said notice, are prefixed to said deposition.

Witness my hand and notarial seal this the 21st day of April, 1899.

[SEAL.]

E. J. BEST, *Notary Public*.

Notice to take depositions.

To JOHN D. BELLAMY, Contestee, Wilmington, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Lilesville, Anson County, N. C., before J. W. Steen, notary public, beginning at 9 o'clock a. m. on Wednesday, the 19th day of April, 1899, and continuing from day to day, if necessary. I will examine the following witnesses, namely:

T. E. Jones, Shade Bennett, Louis Jones, John Spence, Thomas Spencer, Charles Spencer, Hamp Hare, Jim Little, Nelson Gilman, J. C. Henry, Lilesville, N. C.; E. W. Flake, Polkton, N. C.; John C. McLaughlin, C. S. C., Wadesboro, N. C.; R. P. Rinehart, Russellville, N. C.; P. Merten, John L. Matheson, H. Buchanan, Geo. Singleton, James Jowers, Wadesboro, N. C.; William Ingram, Lilesville.

This the 14th day of April, 1899.

OLIVER H. DOCKERY,
Per CLAUDIUS DOCKERY,
Attorney.

Received April 15, 1899. Served April 15, at 5. p. m., 1899, by delivering a copy of this notice to John D. Bellamy, contestee.

WALTER G. McRAE, Sheriff,
Per OWEN FENNELL, Deputy Sheriff.

STATE OF NORTH CAROLINA, *Anson County*:

Pursuant to the annexed notice to Jno. D. Bellamy, contestee, in the above-entitled cause, of the taking of the depositions or testimony of the following-named witnesses for contestant at Lilesville, N. C., in Anson County, to wit: George Singleton, James Jowers, Jno. C. McLaughlin, clerk superior court; Burrell Smith, Charles Myers, Oliver Hammond, T. R. Jones, Shade Bennett, Louis Jones, Jno. Spencer, James Little, J. A. Henry, Wm. Ingram, E. W. Flake, R. P. Rinehart, H. Buchanan, I, J. W. Steen, a notary public resident in the Sixth Congressional district of North Carolina, under authority of law conferred on me by section 110 of the Revised Statutes of the United States, on the 19th day of April, 1899, in the town of Lilesville, in the county of Anson, in the State of North Carolina, both Oliver H. Dockery, contestant, and Jno. D. Bellamy, contestee, being present by their attorneys, were prepared to take depositions of the above-named witnesses, the majority of the same being present, when the proceedings were suddenly interrupted in the manner detailed in the hereunto-attached affidavit.

Witness my hand and notarial seal on this the 8th day of May, A. D. 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

CLAUDIUS DOCKERY, Esq., *Raleigh, N. C.*

MONROE, N. C., *April 21, 1899.*

DEAR SIR: Before leaving Messrs. Steen and Burns at Wadesboro, N. C., I promised to write you my statement in regard to our arrest at Lilesville, N. C., on the 19th instant.

To begin with, I have been up to that time employed by Mr. Steen to serve in the capacity as clerk. We had been taking depositions at Marshville on the two preceding days. Wednesday we went down to Lilesville. We got off the train in the following order, I believe: Mr. Steen first, myself next, and Mr. Burns last. Mr. Steen was stopped by the quarantine officer, a mere boy. I would suppose, of about 18 years of age, and asked, "Are you from Monroe?" Mr. Steen replied, "Yes; here's my certificate." I was stopped next and asked the same question; I answered, "Yes," but at first said nothing about any certificate. The officer said, "I don't think they will let you go uptown." I then showed him my certificate, and he allowed me to go on up. He then asked Mr. Burns, "Are you from Monroe?" He answered, "No." "Are you from Wadesboro?" "No; I came from Carthage to Marshville, and then here." He allowed Mr. Burns to go on. As we stepped across the track the quarantine officer told us the constable wished to see our certificates. We showed them and he never made any reply, but did not warn us not to go up or even show us the ordinance.

We then went up to our boarding house, and upon entering the dining room one of the first things said to us was, "They say that the quarantine would be raised to-day." After breakfast we went to our rooms. Our door was left open, and in a few minutes the constable came in and asked to see Mr. Marshal, Mr. Bellamy's attorney, who roomed just opposite us.

The attorney went out with the constable. In a short time we went down to see about a place to take the depositions, and while out Mr. Burns said he saw Mr. Marshal holding a consultation with the mayor. We decided to hold court in one of the rooms occupied by one of us three. We went back to the house, and in a few minutes Mr. Marshal came into our room and offered his room. We decided to take it. He left, and in a few minutes Mr. Steen, upon my suggestion to do so, said, "Go ahead and fill out your heading." I sat down to the typewriter and put in the paper. Just as I had done so someone knocked at the door. Mr. Burns answered the rap and came back in and said the constable had a warrant for us.

We went down to the mayor's office, and upon arriving there we found Mr. Marshal there awaiting us, when he should have been, I think, at the room ready for the tak-

ing of depositions, for I think at that time (the time we reached the mayor's office) it was 9 o'clock. We were asked if we wished to make a statement and we replied that we did, and went on without taking any oath and made a few statements in general about the matter. Then the mayor examined his two witnesses. The quarantine officer swore that he told us, "You can't come uptown." The constable said he looked at the certificates, and knowing nothing of their import allowed us to go on without offering any objection. Now, understand, we had not even been sworn. At this stage of the game Mr. Marshal spoke to the mayor and told him that he had no discretion in the matter and that the ordinance was very explicit; we had plainly violated it, and that Mr. Steen and myself should be fined, and that Mr. Burns, inasmuch as he had been associating with us, and although he had not been to either of the towns quarantined against, yet inasmuch as he had been associating with us he should be fined along with Mr. Steen and myself. The mayor immediately fined us (Mr. Steen and myself) \$25 and costs and ejected us from town, or rather ordered it done. Mr. Burns went out to telegraph you about the matter, and while gone the mayor said he would remit the fine in the case. I called Mr. Steen to one side and told him that rather than have any further difficulty I was willing to pay the costs. While I was conferring with Mr. Steen Mr. Marshal was conferring with the mayor. We then approached the mayor, and I asked him if he did not agree to remit the fine, and he replied that the fine was \$10. I then called Mr. Steen aside and we were joined by Mr. Burns and we decided to appeal. We told the mayor we would appeal. But while Mr. Burns, Steen, and myself were consulting as to whether we should appeal Marshal was talking with the mayor. We appealed, and then I asked the mayor if he had not fixed the fine at \$10, and he replied that the fine was \$25, as set at first. We were then sworn and gave in our testimony. The mayor himself admitted to us that we had gotten into the difficulty through neglect of the officers.

Now, sir, I will add further that I am a Democrat and have been making copies for both contestant and contestee. I must say, and I say so not on account of the fine imposed, but from an entirely disinterested standpoint, that I believe this was a put-up job and was done to prevent these depositions being taken there.

What makes me believe it is embodied in the following reasons: The attorney from Wilmington, Mr. Bellamy's counsel, prosecuted the case, when there were other lawyers residing in the town. (So the mayor stated in answer to my question.)

I was told, as above stated, that the quarantine would probably be raised that day.

A man had, on the day before, come down from Wadesboro, against which Lilesville was quarantined, and he was allowed to hire his conveyance and proceed to his intended point of destination. This is my information. The mayor did not tell me when I asked him about it.

On the same morning that we went to Lilesville, a doctor who resides at Lilesville was standing at the depot at Monroe talking with Mr. Lindsay, and I understood him to say: "I have no health certificate and the agent is not in the office, so I can't get a ticket." I pointed the agent out to him. This same doctor had been run out of Wadesboro, so I was told while at the depot in Wadesboro, and, as I started to say, he went on down to Lilesville on the same train with us and, so far as I know, he has not been molested.

The mayor displayed animus throughout the trial.

He was seen consulting with Mr. Marshal, Bellamy's attorney, and previously had sent the town constable to his room after him.

Mr. Marshal, instead of being at the place appointed for taking depositions, was consulting with the mayor after he had first been sent for by the mayor and had returned to our room.

I firmly believe it was the intention and sole purpose of the officials in doing this was simply to prevent the taking of the depositions there, and I am willing at any time to make oath, if it should be wished, to the best of my knowledge, that it was done for the above-named purpose.

I could write you more in regard to this, filling in with the minor incidents, statements, etc., but think this is all that is necessary.

Very truly,

C. B. ADAMS.

Sworn to and subscribed before me.

[SEAL.]

MAY 3, 1899.

J. W. STEEN, *Notary Public*.

I, J. W. Steen, was notary public before whom depositions were to be taken in the above-entitled contest. I was present at the time. I have read the foregoing sworn statement of C. B. Adams, and know it to be true in every particular as far as it goes.

J. W. STEEN.

Sworn to before me this 9th day of May, 1899.

[SEAL.]

W. M. KELLEY, *Notary Public*.

W. B. TROGDON, being duly sworn, deposes and says: That on Thursday, the 20th day of April, 1899, he, the said deponent, was a passenger on the train of the Seaboard Air Line, running from Hamlet, N. C., to Wilmington, N. C.; that while on said train and shortly after said train had left the station of Lumberton, this deponent overheard a certain conversation between two men, both to this deponent unknown, said two men at the time occupying the seat immediately in front of this deponent; that one of said two men stated to the other in a boastful manner substantially as follows: That on the day preceding he, the said speaker, had induced the town authorities of some town (this deponent believes the name to be Lilesville) to expel from their town on account of their not having complied with the vaccination laws, a certain lawyer and a certain typewriter, the names not being mentioned, employed by Dockery in the contested election case of Dockery v. Bellamy; that after said lawyer and typewriter had been thus expelled, the said speaker having learned the town to which they had gone, hired a horse and buggy and went to that town and induced the town authorities of that town also to expel the said lawyer and typewriter for the same reason; and that the said lawyer and typewriter then returned to the town of Rockingham, in Richmond County; that he did it for the purpose of preventing the hearing set by Dockery for that date, as he knew that the time within which, according to law, Dockery could have hearings for the taking of evidence expired on April 24; that he knew if he could prevent the hearing set for the day in question, that Dockery could not give the legal notice of three days and have another hearing within the time allowed him by law.

W. B. TROGDON.

Subscribed and sworn to before me this 8th day of May, 1899.

[SEAL.]

FRANK A. PEIRCE, *Notary Public*.

Notices to take depositions.

To JOHN D. BELLAMY,

Contestee, Wilmington, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at United States court-house, Charlotte, Mecklenburg County, N. C., before J. W. Steen, notary public, beginning at 9 o'clock a. m. on Thursday, the 13th day of April, 1899, and continuing from day to day, if necessary. I will examine the following witnesses, namely, W. Strong, A. M. Dotre, Shupton, N. C.; A. L. Smith, Phenixville, N. C.; J. M. Gwido, Wm. McMillen, T. C. C. Foster, Charlotte, N. C.; B. T. Strong, Kandleburg, N. C.; T. A. Austin, J. M. McCrehan, R. O. McCrehan, T. J. Keith, Samuel J. Caldwell, Charlotte, N. C.

This the 8th day of April, 1899.

OLIVER H. DOCKERY.

Per OSCAR J. SPEARS, *Attorney*.

Received April 10, 1899.

Served April 10, 1899, by delivering a copy of this notice to John D. Bellamy, contestee.

WALTER G. McRAE, *Sheriff*.

Per OWEN FESSNEK, *Deputy Sheriff*.

To JOHN D. BELLAMY,

Contestee, Wilmington, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at United States court-house, Charlotte, Mecklenburg County, N. C., before J. W. Steen, notary public, beginning at 9 o'clock a. m. on Thursday, the 13th day of April, 1899, and continuing from day to day, if necessary. I will examine the following witnesses, namely, John Caldwell, Mathews, N. C.; W. A. Caldwell, Davenport, N. C.; W. S. Morton, Mathews, N. C.; W. W. Alexander, Rankin, N. C.; J. C. Stewart, Mathews, N. C.; M. H. Neal, Joe Strong, Dixie, N. C.; W. S. Clanton, Charlotte, N. C.; Geo. L. C. Junker, Kingwood, N. C.; J. P. Sassaman, Peter Hilton, I. S. Cooper, J. F. Correll, Charlotte, N. C.

This the 8th day of April, 1899.

OLIVER H. DOCKERY.

Per OSCAR J. SPEARS, *Attorney*.

Received April 10, 1899.

Served April 10, 1899, by delivering a copy of this notice to John D. Bellamy, contestee.

WALTER G. McRAE, *Sheriff*.

Per OWEN FESSNEK, *Deputy Sheriff*.

To JOHN D. BELLAMY,

Contestee, Wilmington, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at United States court-house, Charlotte, N. C., before J. W. Steen,

notary public, beginning at 9 o'clock a. m. on Thursday, the 13th day of April, 1899, and continuing from day to day, if necessary. I will examine the following witness, namely, J. A. Russell, C. S. C., Charlotte, N. C., with election records, registration books, poll books, etc.

This the 8th day of April, 1899.

OLIVER H. DOCKERY.
Per OSCAR J. SPEARS, *Attorney*.

Received April 10, 1899.

Served April 10, 1899, by delivering a copy of this notice to John D. Bellamy, contestee.

WALTER G. MCRAE, *Sheriff*.
Per OWEN FESSNEK, *Deputy Sheriff*.

Pursuant to the annexed notice to John D. Bellamy, contestee in the above entitle, of the taking of the depositions or the testimony of the following-named witnesses for the contestant at the United States court-house in the city of Charlotte, Mecklenburg County, N. C., to wit, viz: J. C. Stewart, W. W. Alexander, G. C. L. Junker, N. M. Potts, Marshal Neal, J. M. Goode, W. S. Clanton, T. J. Keith, J. W. Meacham, S. J. Caldwell, W. M. McMullen, W. S. Moton, J. F. Correll, J. A. Russell, I, J. W. Steen, notary public, resident in the Sixth Congressional district of North Carolina, under the authority of the law conferred on me on the 13th day of April in the city of Charlotte, Mecklenburg County, N. C. Oliver H. Dockery, contestant, by his attorney, being present, proceeded to take the depositions of the following witnesses for the contestant named in the notice of the aforesaid.

The contestee, John D. Bellamy, through his attorney, M. M. Smith, entered a special appearance before any evidence was taken, and moved to dismiss this proceeding, and objected and excepted to the taking of any evidence on the part of the contestant at this hearing on the following ground, to wit:

First. That the contestant has already taken evidence in this cause in the city of Charlotte, and the contestee has taken no evidence whatever in reply thereto and that the contestant has no legal right to take testimony in rebuttal when there is no evidence to rebut.

Second. That two of the notices served on the contestee by the contestant to take the evidence of the parties therein named on this date was only served on the contestee on April the 10th, 1899, at 4.15 p. m., less than five days' notice for taking testimony in the rebuttal as required by section 108 of the Revised Statutes, as will appear by the said notices herein filed in this cause.

Third. That one of the notices served on the contestee by the contestant, to take the evidence of J. A. Russell, C. S. C., was only served on the contestee on April the 10th, 1899, at 4.15 p. m., less than five days' notice as required by section 108 of the Revised Statutes. And also there was no mention in said notice as to where the evidence would be taken, in violation of section 108 of the Revised Statutes, as will appear by the said notice herein filed in this cause.

The above motion is overruled by the court.

The above ruling by the court was excepted to in apt time by the contestee.

Witness my hand and notarial seal this 13th day of April, 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

J. C. STEWART, being duly sworn, deposes and says:

Q. State your name and residence.—A. Mecklenburg County, Morning Star Township; name, J. C. Stewart.

Q. What is your politics?—A. I am a Populist.

Q. Were you an election officer at the last election in your township?—A. I was one of the registrars.

Q. Were you active supporting the Fusion ticket during the campaign; that is, the ticket put out by the Republican and Populist parties?—A. Yes.

Q. Will you state whether or not in your section of the county there was practiced intimidation of the Fusion voters on the part of the Democratic party during the campaign; if so, please state in detail the facts bearing upon it.—A. One judge and registrar had their lives threatened by Democrats. I was sent word by certain parties that if the Fusion ticket carried that there would be a party that would wait upon us and that our lives would be in danger. I was also informed that there was other parties who sent me word that they would be one of the number that would take a rope and swing me to a limb.

Q. Were threats against Republican and Populist workers generally circulated in your section through Democratic papers and by Democratic leaders during the last campaign?—A. Yes; I think so.

Q. Do you know from conversation with Republican and Populist voters that these threats tended to intimidate them and prevent many from registering and

many who registered from voting?—A. Very few failed to register, but some didn't vote because of the threats.

Q. Do you know that these threats caused some to vote the Democratic ticket who otherwise would have voted different?—A. I can't answer that positively, but I do know that there were some who voted the Democratic ticket, being influenced by those threats and other reports published through the papers and speakers.

(The contestee objects to the introduction of the evidence of J. C. Stewart as above set forth on the ground stated in the beginning of this investigation, and also on the ground that the same is incompetent, immaterial, and totally irrelevant, and same is heresay and incompetent.)

Cross-examination:

Q. Mr. Stewart, these threats did not deter you from doing your duty as registrar, did they?—A. They did not keep me from that.

Q. Did the threats keep you from working in the interest of your party during that campaign?—A. No; they did not; I worked the harder.

Q. Then you yourself were not intimidated by these threats, were you?—A. To some extent.

Q. Please state to what extent.—A. Because they caused me to have fears. I knew if they started to put these threats into execution there would be danger.

Q. Were the Republican and Democratic parties represented on the board of registrars?—A. They were.

Q. All matters of dispute were settled by vote of registrars, were they not?—A. As to registration they were.

Q. Did not the Populist and Republican registrars usually vote together on all matters of dispute?—A. We generally voted together, Democrats, Populists, Republicans.

Q. What number of Populists and Republicans failed to vote in your precinct at the last election?—A. I don't know the number.

Q. What effect did the Wilmington riot have on the election in your precinct?—A. Had a very great influence.

Q. Don't you know that the Wilmington riot occurred after the election?—A. I know one of the riots occurred after the election—the big riot.

Q. Was the big riot the one you had in view when you answered my question in regard to the Wilmington riots?—A. It could not have been.

Q. What special Wilmington riots did you have reference to when you answered the first question I asked you in regard to those riots?—A. I don't have reference to any particular one; there was several troubles before the election, according to newspaper reports.

Q. Do you know, of your own knowledge, that there were any riots in Wilmington before the election?—A. No; I believe there was, according to newspaper reports.

J. C. STEWART.

Subscribed and sworn to before me this 13th day of April, 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

W. W. ALEXANDER, being duly sworn, deposes and says:

Q. What is your place of residence and name?—A. Sharon Township, Mecklenburg County, N. C.; W. W. Alexander.

Q. What is your politics?—A. Populist.

Q. Were you an election officer in the last election in your township?—A. Yes; I was a judge.

Q. How many registrars and judges were they?—A. Three registrars and three judges.

Q. What was the politics of the three registrars and the two judges?—A. Democrats.

Q. Who appointed them?—A. The county commissioners.

Q. What was the politics of those who made the appointment of these election officers?—A. Democrats.

Q. Isn't it a fact that the law provides that each political party be represented on that board of registrars and among the judges of the election?—A. Yes.

Q. Was the conduct of any Democrats on the day of election at your precinct such as to browbeat and intimidate Republicans and Populists?—A. Yes, in this way: One of the leaders of the Democrat party in said township asked a Populist if he was going to vote the Fusion ticket. He said "Yes." He said any man that would vote that ticket was no better than a negro; and this happened in 15 feet of the polls, and other Democrats present commenced ridiculing the other Populists. I cast my vote shortly after the polls opened. Soon afterwards a Democrat came up to me, showed me a Fusion ticket, and asked me if I voted that ticket. I said "Yes." He said: "Well, if you know what I do you would not have done it." I replied that I might and I might not. As a judge of the election I remained at the

polls until the votes were counted. I asked a certain Populist to stay and act as talisman for the Fusion ticket. When we went to start home that night—went out to hitch up to the buggy—we found all the taps off and gone.

Q. Isn't it a fact that threats against Republican and Populist voters, made through Democratic papers and by Democratic workers, was circulated through your community generally; in other words, wasn't there a general spirit of intimidation?—

Yes.

Q. Do you know that this condition prevented Fusion leaders from organizing as fully as they otherwise would have done and that it deterred many Republicans and Populists from voting?—A. Yes.

Q. Do you know that many persons otherwise entitled to vote were refused the right of registration?—A. Well, there were several that were entitled to vote who were refused registration.

(The foregoing evidence of W. W. Alexander was objected to on the grounds specifically set forth in the beginning of this investigation; on the further ground that the same is totally immaterial and irrelevant.)

Cross-examination:

Q. Will you please name the gentlemen who composed the board of registrars in your precinct?—A. W. S. Pharr, R. J. Furgerson, and W. S. Flennigan.

Q. Had not W. S. Flennigan formerly affiliated with the Populist party?—A. Yes.

Q. What had been Mr. Furgerson's politics prior to the last election?—A. He voted the Democratic ticket, State and county, in 1896, according to my information.

W. W. ALEXANDER.

Sworn and subscribed before me this 13th day of April, 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

G. C. L. JUNKER, being duly sworn, deposes and says:

Q. What is your name and place of residence and politics?—A. G. C. L. Junker; Crab Orchard Township; Populist.

Q. Was there a new registration in your township before the last registration?—A. No; there was not.

Q. Were the names of the voters of that township transferred from the old registration books to new registration books?—A. Yes; they were. The old book was full, and they had to get a new one.

Q. In transferring these names, do you know it to be a fact that the names of many Republicans and Populists who still reside in that township were left off the registration books?—A. Some names were not transferred to the new book, and these parties still reside in the township previous to this election.

Q. Do you know that many of these parties tendered their ballots on the day of election and were refused?—A. Yes; they were refused.

Q. Did you hear the speech made by Senator Tillman, of South Carolina, in the city of Charlotte, during the last campaign?—A. Yes.

Q. Were there any utterances in that speech which was incendiary? If so, please state nature of them and other circumstances in connection therewith?—A. I can not tell you the exact words—just made the statement—but in substance he said that the Anglo-Saxon race had never been dominated by any other race and never would be; that this was a fight for white supremacy, and we are going to win, regardless of the consequences. Then some one just behind me remarked: "If we can not win by ballots, we will by bullets."

(The foregoing evidence of G. C. L. Junker was objected to by the contestee on the grounds specifically set forth in the beginning of this investigation, and on the further grounds that the same is totally immaterial, irrelevant, and incompetent.)

Cross-examination:

Q. Mr. Junker, was the board of registrars composed of one elector and qualified voter from each of the three parties in your precinct?—A. Yes; they were.

Q. Did not the Republican registrar and the Populist registrar usually vote together on matters of dispute that came before the board?—A. No, they did not; the Populist registrar voted with the Democratic registrar.

G. C. L. JUNKER.

Sworn to and subscribed before me this 13th day of April, 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

N. M. POTTS, being duly sworn, deposes and says:

Q. What is your name and place of residence, and politics?—A. N. M. Potts, Steel Creek Township; occupation, school teacher and farmer.

Q. Were you an election officer in your township on last election?—A. I was registrar.

Q. Will you tell what you know about the vote cast in that township at the last election?—A. 115 Republicans and 121 Democrats; and the majority, when the abstract was made out, the Democrats was 40 majority.

Q. Were any threats made against you during the campaign or on election day by Democrats? If so, please state what they were.—A. Yes; I was threatened that I would have to move out of Steel Creek Township; or if I stayed there I wouldn't get to teach any more school.

Q. Were you, as registrar of the election, allowed to remain around the boxes and assist in counting the votes?—A. I was not.

Q. Was there any disturbance there on that day by any considerable body of men in uniform?—A. Yes, there was a crowd in uniform known as what we call Rough Riders, and come up hollowing; several of them came in at the time to vote.

Q. Do you know that because of threats circulated through that section many Republicans were intimidated and failed to vote?—A. I know there was some. We had a majority in the registration, and there were some that told me that they would be turned off if they voted.

(The above question and answer is specifically objected to by the contestee on the grounds that the same is hearsay, and therefore incompetent.)

The foregoing testimony of N. M. Potts is objected to by the contestee on the grounds set forth at the beginning of this investigation, and on the further grounds that the same is irrelevant and immaterial.)

Cross-examination:

Q. Were all the political parties in your precinct represented on the board of registrars?—A. Yes.

Q. Did you discharge your duties as a registrar?—A. I did it as near as I could.

N. M. POTTS.

Sworn to and subscribed before me this 13th day of April, 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

MARSHALL NEAL, being duly sworn, deposes and says:

Q. What is your name and place of residence?—A. Marshall Neal, Berryhill Township.

Q. Where did you live last election?—A. In Steel Creek Township.

Q. What is your occupation and politics?—A. Farmer, and am a Republican.

Q. Was you a judge of election in Steel Creek Township at the last election?—A. Yes.

Q. How was the board of election organized in that township on the morning of the election?—A. Mr. S. E. Griffin told me that he had organized without a single man.

(The above question and answer is specifically objected to by the contestee on the ground that the same is hearsay, and therefore incompetent.)

Q. When you reached the polling place, what box was given you to hold?—A. Not any.

Q. Do you know Mr. James R. Irvin?—A. Yes.

Q. What is his politics?—A. Democrat.

Q. Was he a judge of election or a registrar at that polling place?—A. No.

Q. How many boxes were given him to hold that day?—A. He managed two boxes nearly all day.

Q. Did you see a body of men on that day around the polling place known as Rough Riders?—A. I seen them there with their red and white sash, but don't know how many there was.

Q. Do you know what was done to Randolph Hardt, a Republican ticket distributor at the polling place?—A. Walter Marks struck at him twice with a stick and told him if he didn't go out of the house, with an oath, he would break his head with a stick.

Q. What threats were made against Republicans and Populists of that section during the campaign?—A. All the Republicans that were registrars, or judge, or anyone that took stock in the election, they could stay there this year, but after this year Mr. R. A. Grier said he was going to move everyone out of there, so help him God.

Q. Did the Rough Riders create a disturbance or act in any way around the poles so as to intimidate or make uneasy any Republican or Populist voters?—A. Yes; our people was little uneasy for awhile, but soon got over that.

(The foregoing testimony of Marshall Neal is excepted to on the ground set forth at the beginning of this investigation, and objected on the grounds that the same is incompetent and immaterial.)

Cross-examination:

Q. Marshall, did you sign, as one of the judges of your precinct, the certificates of election which was sent to the clerk from that precinct?—A. Yes; I signed it.

Q. Were those certificates correct?—A. I think they were.

MARSHALL NEAL.

Sworn to and subscribed before me this 13th day of April, 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

J. M. GOODE, being duly sworn, deposes and says:

Q. What is your name and place of residence?—A. J. M. Goode, Ward 3, precinct 1, in the city of Charlotte.

Q. What is your politics and occupation?—A. Republican; occupation, hotel keeper.

Q. What position on the Republican county committee did you hold during the last campaign?—A. Secretary of the committee.

Q. Are you a member of the Congressional executive committee for this district?—A. Yes.

Q. Is it a fact that the law of this State requires the appointment of one member of each party as registrar of election and one member of each party as judge of election?—A. It does, sir.

Q. What was the politics of those whose duty it was to appoint these registrars and poll holders in this county?—A. They were Democrats—the county commissioners.

Q. Did this appointing power comply with the provision of the law in the appointment of election officers in this county?—A. Only in part.

Q. In about how many precincts did they fail to appoint representatives of the Populist and Republican party on the election board?—A. To the best of my recollection about 18 or 20.

Q. In these precincts did they usually appoint all or a majority of the board Democrats?—A. They did.

Q. What steps did the Republican committee take to remedy this violation of the law by the Democratic appointing power?—A. They went before the judge and had them removed.

Q. Did you attend to the registration of Populist and Republican voters in your precinct?—A. I had a horse and buggy and went around to the various precincts.

Q. Will you state in detail what occurred at your precinct on the day set apart by law for the challenge of voters and on the day set apart by law for the trial of these challenges?—A. On challenge day we had no trouble; we had 57 challenges, and to the best of my recollection they were all Republicans, and no Republicans challenged the Democrats. On trial day some words passed. Mr. McCall suggested that we scratch off all the names that had not made their appearance. Mr. McCall is chairman of the executive Democratic committee. I objected to it. I saw the officers serve the notice at 6 o'clock on Friday evening, and this was the day before trial day. I objected upon the ground that the parties had not had due notice, and this was a week after challenge day. Mr. King said that he had canvassed the ward and the parties did not live there. I said some of them did live there. That time Mr. Brown cussed me for a damn black * * * ; said he would knock hell out of me if I disputed his word. I was also cussed by Mr. King and Mr. Thomas and Mr. McCall. The chairman spoke to them; asked them to keep order. About that time some of the parties come in which they wanted to take off. All I said to them was that I had not come there for any trouble. At that junction they had no more words with me, but did with some other parties.

Q. What other parties did they have trouble with?—A. Populists and Republicans.

Q. In your precinct did you see names of Democrats registered who were not present?—A. Not in my precinct, but did in precinct 2 and Ward 2.

Q. As secretary of the Republican county committee, did you visit during the campaign the various townships of the county?—A. I visited every voting precinct in the county.

Q. Did you find among Republican and Populist voters a general feeling of fear because of threats made in the Democratic newspaper by Democratic leaders and speakers?—A. I did. Good many places I went to many of the people were afraid to turn out; some again had nothing to do with it because they thought there was going to be trouble. I found a general fear among the people that there would be shooting and killing among the people, and others stated to me that they had been advised by white Democrats to stay away from there the day of the election.

Q. Did you find in various parts of the county that because of this fear many citizens favorable to the Fusion ticket were deterred from registering?—A. They stayed away on account of fear and did not register.

(The foregoing testimony of J. M. Goode is excepted to by the contestee on the grounds first mentioned in the beginning of this investigation, and objected to on the grounds that the same is immaterial and irrelevant, and that the same is largely hearsay and incompetent.)

Cross-examination:

Q. You state that the appointing power failed to appoint Republican and Populist officers in 18 or 20 precincts in this county; are there not some precincts in this county in which there are no Populist voters?—A. I think there are 2 or 3.

Q. In precinct 2, Ward 2, in the city of Charlotte, did the board of registrars consist of representatives from each of the three parties?—A. Yes.

Q. Was there any shooting and killing on the day of election?—A. There was none in the city of Charlotte.

Q. Then, were not your fears unfounded in regard to this matter?—A. Not mine; I did not fear at all.

Redirect:

Q. When these white Democrats advised the colored people to stay away from the polls, did they intimate that it would be best for them not to go, or that it would be dangerous for them to go; is that what you learned?—A. Best for them to stay away as they might get into trouble.

(The above question and answer is objected to by the contestee on the ground that the same is hearsay and totally incompetent.)

J. M. GOODE.

W. S. CLANTON, being duly sworn, deposes and says:

Q. What is your name and place of residence?—A. W. S. Clanton, Ward 3, precinct 2.

Q. What is your politics and occupation?—A. Republican; assayer in charge of United States assay office.

Q. Were you a judge of election in your precinct at the last election?—A. I was.

Q. Were there many challenges in your precinct on challenge day?—A. The best of my recollection there were 83.

Q. On trial day did many of these fail to appear?—A. The most of them failed to appear.

Q. In their absence were their names stricken off the registration books?—A. They were.

Q. Does the law require that a notice be served on each voter whose right to vote has been challenged before he is tried and his name erased?—A. It does.

Q. On trial day were any of these notices returned as having been served on the challenged voter?—A. All of them were claimed to have been served.

Q. As one of the trial judges, did you see any of these returned notices?—A. They stated that they left a copy.

Q. On election day did many of these challenged voters tender their ballots and when told that their names had been erased from the registration book because they failed to appear on trial day did they state that they had never received notice of challenge?—A. As many as six or eight appeared and said they did not know that they had been challenged.

Q. Were any Democrats challenged?—A. There was not.

(Objected to by the contestee on the ground first set forth at the beginning of this investigation, and on the further ground that the same is irrelevant and immaterial.)

Cross-examination:

Q. Mr. Clanton, were all political parties represented on the election board of which you was a member?—A. There was no Populist judge there.

Q. Did the board of registrars consist of representatives from each of the political parties?—A. Claim to have been represented, but the Populist voted the Democratic ticket on election day.

W. S. CLANTON.

Sworn to and subscribed before me this 13th day of April, 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

T. S. KEITH, being duly sworn, deposes and says:

Q. What is your name and place of residence?—A. T. J. Keith, Ward 3, precinct 2.

Q. What is your occupation and politics?—A. I am a farmer and a Republican.

Q. Did you hear the testimony just given by J. M. Goode as to the political conditions existing in his precinct?—A. I did.

Q. Do you and he reside in the same precinct?—A. Yes.

Q. Was his testimony practically correct as you found matters?—A. At the precinct it was.

Q. Did you hear his testimony about conditions existing in the county at large?—

A. I did.

Q. Did you travel over the county to any extent during the campaign?—A. I did.

Q. As far as you went, did you find conditions existing practically as he described?—

A. Yes.

Q. For what purpose did you travel over the county?—A. As a trial justice for the purpose of swearing in judges of the different precincts.

Q. Did you find any Populist or Republican judge who declined to be sworn in? What reason did he give?—A. I found only one who refused to be sworn in. He said he feared that there would be trouble when the board met.

(Excepted to by the contestee on the ground first set forth in the commencement of this investigation, and on the further grounds that the same is irrelevant and immaterial and that it is largely hearsay and incompetent.)

T. J. KEITH.

Sworn to and subscribed before me this 13th day of April, 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

Recess will be taken until to-morrow morning, April the 14th.

Court convened according to recess on the morning of the 14th of April, 1899, at 9 o'clock.

J. W. MEACHAM, being duly sworn, deposes and says:

Q. What is your name and occupation?—A. J. W. Meacham; engineer by trade, but now a night watchman at present.

Q. What is your politics and place of residence?—A. I am a Populist; at present I am in Ward 3.

Q. What was your residence at the last election?—A. Ward 4, precinct 3.

Q. Were you a registrar in that precinct?—A. I was.

Q. Is it a fact that the election law provides a certain time for challenging voters?—A. It did at that time, the election law then in force.

Q. Were challenges made out of the time prescribed by law; and parties not living in precinct?—A. Yes.

Q. Were any Democrats challenged?—A. Not a one.

Q. On election day did any crowd of men visit this polling place in any unusual manner, and make threats against Republican and Populist voters? If so, state in detail the circumstances.—A. I was sick on that day, but able to go out to the election; had not been on the ground but a few moments before there was a crowd of six or eight and maybe more gathered around me, and had cartridges pinned around them for bosom pins. They wanted me to vote the straight Democratic ticket. On being told emphatically that I would not do that they pointed to the cartridges on their bosoms and made several rough threats. Owing to the stringency of the election law in regard to a fuss or riot on the election ground and the punishment that would be inflicted I left the election ground without voting. I was kept out of the fuss by a friend, Mr. Jim Kimble, until I left. I went out to the country to see about some of our men that I wanted to go over and vote; they told me that there was some men had been out to see them and told them if they went to the election and voted they would be arrested and put in jail, and they would not go and vote.

(The above question and answer is objected to by the contestee on the ground that the same is largely hearsay and therefore incompetent.)

Q. Do you know Grant Harris and his politics?—A. Yes; a Republican.

Q. Do you know the circumstances of his being intimidated and driven from the polls?—A. Only what he told me.

Q. What was his statement to you about the intimidation at his polling place?—A. He told me last night that he left to keep out of the fuss. Some parties, Charles Fisher, Frank Weddington, and a man by the name of Garrison, used vile threats, and he left to keep out of the fuss, and did not get to vote.

(The questions and answers above immediately preceding were objected to in apt time by the contestee on the grounds that the same are rumors and hearsay, and therefore totally incompetent.)

Q. Do you know that threats were circulated throughout this section against Republican and Populist workers through Democratic papers and by Democratic workers?—A. The most vile threats that I heard during the campaign was at the Southern depot by a lot of fellows—I don't know but one by name—was made shortly after Ben Tillman was here; I believe the night after he was here; said they would carry the election if they had to wade in blood chin deep.

Q. Threats of this nature were general in this section?—A. Yes.

Q. Do you know that these threats produced a state of general fear among Republican and Populist voters?—A. To some extent it did.

Q. Do you know that this fear deterred many from registering and many registered voters from voting?—A. I know of some that it did.

Q. Do you know of a number of legal voters, both Republican and Populist, who were visited by Democratic workers and told if they came to vote they would be likely to be arrested and put in jail?—A. Those to whom I went to get to vote told him to this effect.

(The foregoing testimony of J. W. Meacham is excepted to by the contestee on the ground first set forth in the beginning of this investigation and objected to on the grounds that the same is irrelevant and immaterial, and being almost entirely hearsay, and therefore totally incompetent.)

Cross-examination.

Q. Mr. Meacham, did you endeavor to do your duty as a registrar?—A. I did, to the best of my ability.

Q. Were all parties represented on the board of registrars?—A. The Democratic and Republican and Populist, being the three principal parties, were all represented there.

Q. Were all matters in regard to registration that came before your board submitted to a vote of the registrars?—A. They were all sanctioned by the board, with the exception of that Mr. Qneary standing by and placing challenge on the registering book. I objected to that, but he said he had a right to do it, and did do it until the last day of registration. The law said that our books should close at 12 o'clock on Saturday preceding the election day at 12 o'clock m. The judges and registrars then was to revise the books from 12 o'clock until 4 o'clock and make the challenges. I mean to say that the books were to close on the second Saturday preceding the election and the next Saturday was trial day to try the challenges.

J. W. MEACHAM.

Sworn to and subscribed before me this 14th day of April, 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

S. J. CALDWELL, being duly sworn, deposed and says:

Q. What is your name and place of residence?—A. S. J. Caldwell, Ward 1, precinct 1, city of Charlotte.

Q. What is your politics and your occupation.—A. Republican, and a butcher.

Q. Were you recommended by the Republican committee for appointment as one of the election officers of your precinct at the last election?—A. I was recommended as one of the registrars of that precinct.

Q. Were you appointed by the Democratic board.—A. I was not.

Q. Were there many challenges in your precinct of Republican voters at the last election.—A. There were 46 or 47 colored challenges.

Q. Were you a witness in behalf of any of these?—A. I appeared as a witness.

Q. Did you remain there to testify? If not, why not?—A. I did not remain there until all the cases were tried, because some excitement occurred. I did not think it safe to testify any further. Some remarks were made to annihilate that negro; therefore I left, as I did not think it was safe and healthy to remain any longer.

Q. Did you canvass any part of Mecklenburg County during the campaign?—A. I canvassed a greater part of the county.

Q. Did you find many Republican and Populist voters who was so intimidated they were afraid to go to the polls and vote?—A. I met many voters, specially colored, who said that they were afraid to register for fear of violence.

Q. Do you know one Earnhardt, who, for a certain reason, was prevented from registering at the proper place? If so, state the circumstances.—A. I know of one Earnhardt, colored, who, through mistake, had registered in Second Ward. After he discovered his mistake he got a transfer from the ward from which he registered and came over to my precinct, where he was duly entitled to registration. I could not get him to register. He said that two certain Democrats were present had told him if he registered they would indict him for perjury. I do not know what become of the case.

(The foregoing of S. J. Caldwell is excepted to by the contestee on the ground first set forth in the beginning of this examination and objected to on the ground that the same is immaterial and irrelevant, and, being largely hearsay, is incompetent.)

Cross-examination:

Q. Were all of the political parties represented on the board of registrars appointed in precinct 1, Ward 1, of the city of Charlotte?—A. I don't know whether they were or not.

Q. Was there a Republican appointed on that board?—A. Not to my certain knowledge.

Q. Was the Populist party represented on that board?—A. Yes.

Q. Was not one member of the board appointed as a Republican?—A. I do not know.

Q. In how many cases did you testify, in the matter of challenges?—A. There was as many as three or four.

S. J. CALDWELL.

Sworn to and subscribed before me this 14th day of April, 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

WILLIAM McMULLAN, being duly sworn, deposes and says:

Q. What is your name and place of residence?—A. William McMullan; Ward 1, precinct 1.

Q. What is your politics and occupation?—A. Republican; deputy collector internal revenue.

Q. Did you make a canvass of this county during the last campaign of the various precincts therein?—A. I canvassed every precinct in the county but one.

Q. Did you find a general state of fear on the part of the Republican and Populist voters because of threats made against them by Democratic leaders and Democratic workers?—A. As to the Populist, I can't say; as to the Republicans, I found distressingly so.

Q. Do you know that this feeling of fear prevented many Republicans from registering and many registered Republicans from going to the polls on election day?—A. I do. Take trial day in this city in my precinct; I would say the action of the Democratic workers was of a very intimidating nature, and I attended several precincts that day and found them all to be the same way; and there was several colored voters who did not attend trial day on account of the parties who left challenged notices—leave word they had better stay away, as they had a case against them, and one fellow said that the white man who left the notice said he had not paid his tax—and this is a criminal offense in this State—and he had better stay away from the trial.

Q. It is not a fact that the failing to pay tax is a criminal offense, is it?—A. By no means; it is not.

Q. The names of all challenged parties who failed to appear on trial day were erased from the books, were they not?—A. They were.

(The foregoing testimony of Wm. McMullan was excepted to by the contestee on the grounds first set forth in the beginning of this investigation, and objected to on the ground that the same is immaterial and irrelevant, and being largely hearsay is incompetent.)

Cross-examination:

Q. How long have you held the position of deputy collector of internal revenue?—A. Six months.

Q. Were you acting as such during the last campaign?—A. The month of October I was not.

Q. Were you appointed to this place on account of your vigilance as a worker for your party?—A. I could not say that I was.

Q. Was there any unusual disturbance at your precinct on election day?—A. No.

Q. Were there any disturbances at any of the voting precincts in this county on election day?—A. Not to my knowledge.

Q. Did you yourself have any fears that the alleged threats would be carried into execution?—A. Yes; certainly I did. The Charlotte Observer said that in the editorial on Sunday morning before the election that we intended to carry this election in spite of hell or high water.

Q. Were you intimidated by these alleged threats and utterances?—A. I was not myself, but had great fear for my people.

WM. McMULLAN.

Sworn to and subscribed before me this 14th day of April, 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

W. S. MORTON, being duly sworn, deposes and says:

Q. What is your name and place of residence?—A. W. S. Morton, Providence Township.

Q. What is your politics and occupation?—A. I am a farmer and a Populist.

Q. Were you a judge of election in your township at the last election?—A. I was.

Q. Were the names of some legal voters erased from the registration books against your protest prior to the election?—A. They were.

Q. When you stated that you would report this proceeding to your county committee what threats were made against you?—A. I was told that I should not make

that report, if I did, Mr. Green Rea said he would follow me to hell; I was required to destroy the report I intended to make.

Q. Was Mr. Green Rea a Democratic judge of election?—A. He was.

Q. Do you know of his fighting a Republican voter who presented himself for registration; if so, state the details as much as you know?—A. I was not there when the fight took place; I heard Mr. Bowers and Mr. Rea speaking about it; Mr. Rea acknowledged the fact in my presence.

(The above question and answer was specifically objected to by the contestee in apt time on the ground that the same is hearsay and clearly incompetent.)

Q. Do you know that threats were made generally throughout your section against Republican and Populist voters, to keep them from registration, and from going to the poles?—A. There were threats made.

Q. Do you know that the fear produced from these threats prevented in many instances Fusion sympathizers from registering and Fusion voters from voting?—A. There was some kept from voting.

Q. Was J. F. Bowers a Populist registrar in your precinct?—A. He was.

Q. Did he serve?—A. Part of the time.

Q. Did he leave on account of the threats made against him? If so, state in full what you know about these threats, and what you know about fear on his part from his conduct on that occasion, and from what he told you.—A. He did not leave, but did not appear on account of being notified by one of the county commissioners.

Q. Where is Mr. Bowers now?—A. He is living in Moore County.

Q. When did he move?—A. Just after the election.

Q. Did he sell out his property in this county?—A. He did.

Q. Did he at the time make any statement showing why he left?—A. He told me that he was afraid to stay here.

Q. Do you mean he stated his fears was because of political reasons?—A. Yes.

Q. Was there any Republican voter driven away by direct threats?—A. There was.

Q. Was there any trouble at that precinct during the day?—A. There was evidence of brewing trouble.

Q. Was there any trouble during the counting of the ballots? If so, please state in detail the nature of it.—A. There was. All the time we were counting out the votes there was a crowd marching around the house, and drilling as for war; there was also beating against the house, cussing and shooting.

Q. Did you remain there until the abstracts were made out and signed; if not, why not?—A. I did not, because I was assaulted and I considered my life in danger.

Q. What was the nature of the assault made on you?—A. It was of a black nature—they threw ink on me—the contents of a bottle of ink thrown from the outside.

(The foregoing testimony of W. S. Morton was excepted to by the contestee upon the grounds first set forth in the beginning of this investigation, and objected to on the grounds that the same is irrelevant and immaterial, and being largely hearsay is totally incompetent.)

Cross-examination:

Q. Were all the political parties represented on the board of judges in your precinct?—A. They were.

Q. Were all matters that came before that board voted upon by the members of the board?—A. They were not all present, but those who were there voted.

Q. How many names of legal alleged voters were erased from the registration books over your protest?—A. Seven.

Q. Will you swear that these seven were all entitled to registration?—A. They were registered and entitled to a vote, as I understood the law, and I think it was plain.

Q. Does not the law provide that a majority of the election board shall rule on matters that come before it?—A. I think it was, but the board was not all there.

Q. Did the law make it your duty to report any irregularities to your county executive committee?—A. It did not, but I considered it my duty to do so.

Q. You mean your duty as a citizen or as a partisan?—A. I mean in a manner of justice.

Q. Did you vote at the last election?—A. I did.

Q. How many Republican voters were driven away from the poles by direct threats at your voting precinct?—A. I could not give the number.

Q. Were any Republican voters prevented from voting at your precinct on the day of election by these alleged threats?—A. There was none as I know of on election day.

Sworn to and subscribed before me this 14th day of April, 1899.

[SEAL.]

W. S. MORTON.

J. W. STEEN, Notary Public.

J. F. CORRELL, being duly sworn, deposes and says:

Q. What is your name and place of residence?—A. J. F. Correll; city of Charlotte.
Q. What is your politics and occupation?—A. I am a Republican; occupation, chief clerk post-office.

Q. Were you at one time chairman of the county Republican committee for this county?—A. I was, one time for four years.

Q. Did you visit on trial day at the last election when challenges of voters were to be tried in Providence Township, of this county?—A. I did.

Q. Will you tell what you saw there?—A. Mr. Pope and myself got there about 10 o'clock; we drove up in front of the church, and there was 40 or 50 Democrats standing around in squads, cussing the Republican and Populist, as if they were drunk, and Dr. Alexander, a Democrat, came up to the buggy, and taken Lawyer Pope away and talked a few minutes, and came back to the buggy and said that we had better not stop there, for they was going to have trouble there; said those people had come there for trouble and they were going to have it. Mr. Pope told him that he had not come there for any trouble; he came there to instruct registrars and judges and we would go. Mr. Alexander and Pope went up to the schoolhouse and talked to the registrars and judges, and came back and we started off, and the Democrats holloed and cussed as long as we were in hearing distance.

Q. Were all the registrars and pole holders for that township present there?—A. I understood that there was not.

(The foregoing testimony of J. F. Correll is excepted to by the contestee on the ground set forth in this investigation, and objected to on the grounds that the same is irrelevant and immaterial.)

Cross-examination:

Q. What was your object in going to Providence Township, this county, on the trial day before the last election?—A. I drove Lawyer Pope there.

Q. Was Mr. Pope a resident of that voting precinct?—A. He was not.

Q. Had Mr. Pope been employed to instruct the Fusionist election officers at that precinct?—A. He was.

Q. Did Dr. Alexander come to you and Mr. Pope in a friendly way when you arrived at the precinct?—A. He came and said I come to you as a friend, and says that if you all stop here it will cause trouble.

Q. Did Mr. Pope give the information to the officers?—A. He told me that he did. I did not go in the room with him as the doors were closed, and they did not allow anyone in there.

Q. Did anyone go into the room with him where they were trying challenges?—A. I don't know whether they did or not.

Q. Is it not your best impression that Alexander accompanied Mr. Pope into the room where they were trying challenges?—A. I could not say whether he did or not.

Q. What distance is this voting precinct from where you lived at that time?—A. About 11½ miles.

J. F. CORRELL.

Sworn to and subscribed before me this 14th day of April, 1899.

[SEAL.]

J. W. STEEN, Notary Public.

J. A. RUSSELL, being duly sworn, deposes and says:

Q. You are the clerk of the superior court of this county, are you not?—A. I am.

Q. You were elected at the last election as a Democrat, were you not?—A. I was.

Q. As clerk of the superior court you are custodian of record of elections and registration books for the various precincts of the county, are you not?—A. Yes.

Q. Who was the Democratic candidate for Congress and the Fusion candidate for Congress in this district in 1896?—James A. Lockhart, Democrat; Charles H. Martin, Fusionist.

Q. You mean by Fusionist candidate the candidate supported by Republicans and Populists, do you not?—A. I do.

Q. Who was the Democratic candidate and the Fusion candidate for Congress in this district in 1898?—A. John D. Bellamy, Democratic candidate, and Oliver H. Dockery, Fusionist.

Q. Will you state from the record the vote cast in each precinct of this county for each of the two candidates for Congress in this district in 1896 and the corresponding vote in 1898?—A. The following table shows the correct vote according to the question:

	1896.		1898.	
	Democrat, Lockhart.	Fusionist, Martin.	Democrat, Bellamy.	Fusionist, Dockery.
Charlotte:				
Ward 1, precinct 1.....	280	156	323	92
Ward 1, precinct 2.....	224	114	209	68
Ward 1, precinct 3.....	86	94	153	84
Ward 2, precinct 1.....	175	249	216	175
Ward 2, precinct 2.....	109	229	148	196
Ward 2, precinct 3.....	90	155	151	110
Ward 3, precinct 1.....	268	179	262	112
Ward 3, precinct 2.....	109	189	132	123
Ward 3, precinct 3.....	103	154	93	120
Ward 4, precinct 1.....	308	46	340	28
Ward 4, precinct 2.....	212	52	242	23
Ward 4, precinct 3.....	74	269	124	235
Berryhill Township.....	186	188	207	185
Steel Creek:				
Box 1.....	116	110	131	105
Box 2.....	112	53	121	57
Sharon Township.....	171	138	182	120
Providence:				
Box 1.....	115	159	120	141
Box 2.....	65	49	64	33
Clearcreek.....	145	148	186	105
Crab Orchard:				
Box 1.....	119	171	136	164
Box 2.....	90	109	104	106
Mallad Creek:				
Box 1.....	99	130	110	118
Box 2.....	60	159	73	135
Dewesse:				
Box 1.....	75	62	125	47
Box 2.....	83	65	94	72
Lemleys.....	78	161	103	129
Longcreek.....	127	206	175	155
Pawcreek:				
Box 1.....	160	160	175	155
Box 2.....	26	48	40	41
Morning Star:				
Box 1.....	42	19	59	14
Box 2.....	170	132	184	81
Pineville:				
Box 1.....	56	13	65	10
Box 2.....	79		79	38
Huntersville:				
Box 1.....	38	42	44	40
Box 2.....	72	138	103	129

Q. Will you state the number of registered voters, white and colored, in Charlotte, Ward 1, precinct 1?—A. Whites, 389; colored, 138.

Q. How many white names do you find erased and how many colored?—A. 68 whites, 75 colored.

Q. Please give the same information relative to Ward 1, precinct 2, Charlotte Township.—A. White, 363; colored, 88. Erased, white, 60; colored, 62.

Q. Please give the same information relative Ward 1, precinct 3.—A. 199 white; colored, 108. Erased, 34 whites; 27 colored.

Q. Please give the same information relative to the other precincts in the county.—A. Ward 2, box 1, 295 whites; colored, 224; whites erased, 68; colored, 107. Ward 2, box 2, white vote, 174; colored, 209; erased, white, 58; colored, 91. Ward 2, precinct 3, white, 223; colored, 163; erased, whites, 38; colored, 23. Ward 3, box precinct 1, white, 335; colored, 169; whites erased, 85; colored, 87. Precinct 2, same ward, whites, 184; colored, 162; erased, 37 whites; colored, 103. Ward 3, precinct 3, whites, 131; colored, 155; erased, white, 48; colored, 31. Ward 4, box 1, whites, 459; colored, 31; whites erased, 101; colored, 31. Box 2, same ward, whites, 343; colored, 19; erased, whites, 66; colored, 28. Box 3, Ward 4, whites, 171; colored, 304; erased, whites, 19; colored, 35. Berryhill, whites, 228; colored, 225; erased, whites, 105; colored, 113. Steel Creek, box 1, white, 259; colored, 268; erased, whites, 26; colored, 95. Box 2, whites, 121; colored, 77; whites erased, 66; colored, 89. Sharon, whites, 222; colored, 121; whites erased, 55; colored, 109. Providence, box 1, whites, 185; colored, 168; whites erased, 27; colored, 82. Box 2, whites, 67;

colored, 63; whites erased, 1. Clearcreek, whites, 203; colored, 44; colored erased, 1. Crab Orchard, box 1, whites, 173; colored, 178; whites erased, 2; colored, 42. Box 2, whites, 156; colored, 92; whites erased, 11; colored, 15. Mallad Creek, box 1, whites, 156; colored, 115; whites erased, 17. Box 2, whites, 134; colored, 152; whites erased, 88; colored, 102. Dewesse, box 1, whites, 191; colored, 45; whites erased, 7; colored, 5. Box 2, whites, 166; colored, 71; whites erased, 12; colored, 5. Lemleys, whites, 172; colored, 131; whites erased, 2; colored, 4. Longcreek, whites, 280; colored, 120; whites erased, 49; colored, 36. Pawcreek, box 1, whites, 225; colored, 134; whites erased, 30; colored, 24. Box 2, whites, 91; colored, 24. Morning Star, box 1, whites, 63; colored, 16; whites erased, 10; colored erased, 6. Box 2, whites, 223; colored, 101; whites erased, 57; colored, 30. Pineville, box 1, whites, 75; colored, 19; whites erased, 19; colored erased, 12. Box 2, whites, 63; colored, 44; whites erased, 16; colored, 46. Huntersville, box 1, whites, 78; colored, 27; whites erased, 14; colored, 13. Box 2, whites, 163; colored, 114; whites erased, 41; colored, 27.

Q. You mean by the registered vote given above the names remaining on the registration books after all names had been stricken off, which you gave above as the number erased, do you not?—A. I do.

(The foregoing testimony of J. A. Russell is excepted to by the contestee, on the grounds first set forth in the beginning of this investigation embraced in paragraphs "first" and "third" of the exceptions set forth in the beginning, as aforesaid, and objected to on the grounds that said testimony is irrelevant and immaterial.)

Cross-examination:

Q. Mr. Russell, has there been a new registration in this county since 1890?—A. There has been in about half of the townships.

Q. Has not the new registration been confined to new voting precincts that have been set apart from time to time since 1890?—A. I think so.

Q. Do not the erasures that you find on the registration books embrace all the erasures that have been made for various causes running back in many of the townships to 1890?—A. Most of them do.

Q. Are not the names of registered voters erased from the registration books when the said registered voters move away from the townships?—A. They are.

Q. Are not the names of those who die erased from the registration book?—A. They are.

Q. Do not the colored people frequently move from one voting precinct to another in this county?—A. They do.

Q. Is it not a fact that many of the names that are erased from the registration books in one precinct are entitled to vote in the precinct to which they have moved?—A. Yes, it is.

Q. For what causes are the names of voters erased from the registration books?—A. For illegal registration.

Redirect:

Q. Isn't it a fact that at the last election the election machinery of this county was in the hand of the Democrats? I mean by this, was not the chairman of the board of county commissioners, the register of deeds of the county, and clerk of the superior court of the county, who composed by law the appointing power, all Democrats?—A. They were all Democrats.

(The above question and answer are objected to by the contestee on the grounds that it is a new matter and is also irrelevant and immaterial.)

J. A. RUSSELL.

Sworn to and subscribed before me this 14th day of April, 1899.

[SEAL.]

J. W. STEEN, Notary Public.

Notices of taking depositions.

To JOHN D. BELLAMY, Contestee,
Wilmington, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Marshville, Union County, N. C., before J. W. Steen, notary public, beginning at 9 o'clock a. m. on the 17th day of April, 1899, and continuing from day to day, if necessary. I will examine the following witnesses, namely: J. W. Marsh, E. C. Griffin, Marshville, N. C.; C. W. Griffin, Monroe, N. C.; C. J. Hudson, D. S. Davis, Waxhaw, N. C.; G. W. Flow, J. S. Hasty, Monroe, N. C.; J. E. Hagler, Loveslevel, N. C.; J. H. Simmonds, Cleone, N. C.; John Griffith, Helmsville, N. C.; C. R. Moser (colored), Unionville, N. C.; S. A. Fincher, Waterloo, N. C.; R. F. Sistan, Waxhaw, N. C.; J. E. Broom, Indiantrail, N. C.; S. M. Secrist, Monroe, N. C.; Walter Belk, R. W. A. Rogers, Alton, N. C.; W. R. Hunter, Dave Blakeney, Monroe, N. C.; L. L. Fincher,

Waxhaw, N. C.; E. A. Armfield, C. S. C., Monroe, N. C.; J. C. Hasty, J. W. Hasty, Marshville, N. C.

OLIVER H. DOCKERY,
Per OSCAR J. SPEARS, *Attorney*.

APRIL 8, 1899.

(Indorsed:) Received April 10, 1899. Served April 10, 1899, by delivering a copy of this notice to John D. Bellamy, contestee.

WALTER G. MCRAE, *Sheriff*.

THE UNITED STATES OF AMERICA:

To the sheriff or other lawful officer of Union County, greeting: You are hereby commanded to summon the following persons, namely: J. W. Marsh, E. C. Griffin, Marshall, N. C.; C. W. Griffin, Monroe, N. C.; C. J. Hudson, D. L. Davis, Waxhaw, N. C.; J. E. Hagler, J. Lemmond, N. C.; J. H. Simmonds, Chama, N. C.; John Griffith Helmsville, N. C.; C. R. Moser (colored), Unionville, N. C.; S. E. Fincher, R. F. Sistan, Waxhaw, N. C.; J. E. Broom, Indian Trail, to be and appear before me at Marshville, Union County, at 9 o'clock a. m., 17th day of April, 1899, then and there to testify in the above-entitled cause, in behalf of Oliver H. Dockery, contestant. Herein fail not and make due return to me at said place of hearing. This 8th day of April, 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

(Indorsed:) Received 10th April, 1899. Served 13th April, 1899, according to paper herewith filed.

B. A. HORN, *Sheriff*.
M. D. MYERS, *Deputy Sheriff*.

THE UNITED STATES OF AMERICA:

To the sheriff or other lawful officer of Union County, greeting: You are hereby commanded to summon the following persons, namely: S. M. Secrest, Monroe, N. C.; Walter Belk, R. W. O. Rogers, Alton, N. C.; W. R. Hunter, Dave Blakeney (colored), Monroe, N. C.; L. L. Fincher, Waxhaw, N. C.; E. A. Armfield, with record of election and poll book, Monroe, N. C., to be and appear before me at Marshville, Union County, at 9 o'clock a. m., 17th day of April, 1899, then and there to testify in the above-entitled cause, in behalf of Oliver H. Dockery, contestant. Herein fail not and make due return to me at said place of hearing. This 8th day of April, 1899.

[SEAL.]

J. W. STEEN, *Notary Public*.

(Indorsed:) Received 10th April, 1899. Served 14th April, 1899, according to paper herewith filed.

B. A. HORN, *Sheriff*.
M. D. MYERS, *Deputy Sheriff*.

Pursuant to the annexed notice to John D. Bellamy, contestee in the above-entitled cause, of the taking of the depositions or testimony of the following-named witnesses for contestant, at Marshville, N. C., Union County, to wit: J. W. Marsh, E. C. Griffin, C. W. Griffin, C. J. Hudson, D. L. Davis, J. E. Hagler, J. H. Lemmond, John Griffith, C. R. Moser, S. A. Fincher, R. T. Sistaire, J. E. Broom, J. S. Hasty, J. C. Hasty, J. W. Hasty, G. W. Flow, S. M. Secrest, Walter Belk, R. W. A. Rogers, W. R. Hunter, Dave Blakeney, L. L. Fincher, E. A. Armfield, with records of election and poll books, I, J. W. Steen, a notary public registered in the Sixth Congressional district of North Carolina, under the authority of law conferred upon me by section 110 of the Revised Statutes of the United States, on the 17th and 18th days of April, 1899, in the town of Marshville, Union County, N. C., Oliver H. Dockery, contestant, being represented by his attorney, R. L. Burns, and John D. Bellamy, contestee, being represented by Frank Armfield, his attorney, proceeded to take the depositions of the following witnesses for contestant, named in the notice aforesaid, to wit: G. W. Flow, D. S. Davis, C. J. Hudson, J. S. Hasty, C. R. Moser, Dave Blakeney, L. L. Fincher, S. M. Secrest, Walter Belk, R. W. A. Rogers, W. R. Hunter; which said depositions are hereto attached, and the following:

Witness my hand and notarial seal.

[SEAL.]

J. W. STEEN.

G. W. FLOW, being duly sworn, deposes and says:

(John D. Bellamy, contestee, objects, by his attorney, Frank Armfield, to the taking of the depositions of J. W. Marsh, E. C. Griffin, C. W. Griffin, C. J. Hudson, L. Davis, J. E. Hagler, J. H. Lemmond, John Griffith, C. R. Moser, S. E. Fincher, R. T. Sistaire, J. E. Broom, S. M. Secrest, Walter Belk, R. W. A. Rogers, W. R. Hunter, Dave Blakeney, E. A. Armfield, before J. W. Steen, notary public, for the reason that said J. W.

Steen is a witness in and has testified in the said cause, a certified copy of the subpoena of J. W. Steen having been filed in a previous deposition in this cause, taken before J. M. Terrell, notary public, at Monroe, N. C., on February 27 and 28, 1899, which said certified copy of said subpoena in said deposition is marked Exhibit A, and to which reference is hereby made.

Objection overruled and contestee excepts.)

Q. State your name, age, and place of residence.—A. G. W. Flow; 72 years old; Monroe, N. C.

Q. What is your politics?—A. Republican.

Q. Do you know the general character of S. M. Secrest?—A. I think I do.

Q. What is it?—A. I think it is good.

Q. Were you in Monroe, N. C., the day Senator Tillman spoke here, shortly before the election in 1898?—A. I was.

Q. Did you see the procession that day; and state if there were any Red Shirts in the same?

(Question objected to by contestee on the grounds that answer to same, together with the question, is incompetent as being immaterial.)

A. I saw the procession and saw some Red Shirts, but how many I do not know.

(Answer objected to by contestee as being incompetent on grounds that the said answer is immaterial and irrelevant.)

Q. Estimate as nearly as you can the number of Red Shirts in said procession?

(Question objected to by contestee on the ground that the same is irrelevant.)

A. Quite a number, but how many I could hardly tell. I don't know the number.

(Answer objected to by contestee as being irrelevant.)

Q. Is it not a fact that Republican voters were generally intimidated and less active than usual in behalf of their party because of the methods practiced by the Democrats and leaders of the Democratic party?

(Question objected to by contestee as being leading, and demand made that question be framed so that same will not be leading.)

A. I think they were, to some extent.

Cross-examination:

Q. Are you a Gold or a Silver Republican, Mr. Flow?—A. I am a Gold Republican.

Q. Were you in favor of fusion with the Populists in this district on the Congressional ticket.

(Contestant objects and excepts.)

A. I was.

Q. Were you in Monroe on the day of election?—A. I was.

Q. Did you vote for Oliver H. Dockery?—A. I did.

Q. Were you prevented, or was there any attempt made to prevent you, by force or intimidation or otherwise from voting on that day?—A. There was not.

Q. Do you know, of your own knowledge, of any voter in Union County on the election day referred to above being prevented from voting by force or intimidation?—A. I do not.

Q. Which party, the Populists and Republicans, constituting the Fusionists, on the one hand, or the Democrats on the other hand, had a majority of the registrars and judges of election in your precinct?—A. I think the Republicans and Populists had; that's my recollection.

Q. Do you know of any violence being offered or done to any Populist or Republican speaker in Union County during the campaign of 1898?—A. I do not.

Q. Do you know of any political meeting of the Populist-Republican party being broken up by force or intimidation during the campaign of 1898 in Union County?—A. I do not.

Q. Do you know or did you hear of any such organization as Red Shirts in Union County permitting any act of violence?—A. I did not.

Q. Which party, the Democratic on the one hand, or the Populists and Republican party on the other hand, made the more thorough canvass and was the better organized in Union County in the campaign of 1898?—A. I am not prepared to answer, because I do not know which made the more thorough canvass.

Q. Was there not some local dissatisfaction in Union County among Populists and Republicans because of Populist legislation upon the subjects of roads, schools, and the establishment of a dispensary?

(Contestant objects and excepts.)

A. I think there was.

(Contestant objects to the answer.)

Q. You stated in your direct examination that the character of S. M. Secrest was good. Are you a neighbor of Secrest's?—A. I am not a neighbor; he don't live more than 3 miles from town, though.

Q. You say in your direct examination that there were some Red Shirts in the parade at Tillman's speech. Will you swear that there were over ten Red Shirts in that parade?—A. My judgment is that there were.

Q. Will you swear that there were over twenty Red Shirts there on that day?—A. No; I won't swear that, because I did not pay attention to the number. There may have been twenty or there may have been more.

Q. Were as many Republican speeches made in your vicinity in Union County during the campaign of 1898 as in preceding campaigns of recent date?—A. I don't recollect; perhaps there was so.

Redirect examination:

Q. Do you know the general character of W. W. Hasty?—A. I think I do.

Q. What is it?—A. Good.

Q. Do you know the general character of J. C. Hasty?—A. I think I do.

Q. What is it?—A. I think it's good.

Recross-examination:

Q. How far do you live from J. W. Hasty?—A. Ten miles.

Q. Might not the contestant in this cause have procured some neighbors of Mr. Hasty to testify as to whether his character was good or bad?

(Contestant objects and excepts the question.)

A. Yes; it might be. I do not know what might happen.

Q. How far do you live from Mr. J. C. Hasty?—A. About ten miles, I think.

Q. Could not the contestant have subpoenaed some neighbor of Mr. Hasty to testify as to whether his character is good or bad?

(Contestant objects and excepts.)

A. I suppose he could.

Q. Is Oliver H. Dockery in favor of the free and unlimited coinage of silver? (Contestant objects and excepts.)

A. That is my understanding; I do not know it to be a fact.

Q. As I understand you then, you, a Gold Republican, voted in the last campaign for a candidate who you believed to be in favor of the free and unlimited coinage of silver. Is that correct?

(Contestant objects and excepts.)

A. That's correct.

Sworn to and subscribed.

[SEAL.]

G. W. FLOW.

J. W. STEEN, *Notary Public*.

D. S. DAVIS, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. D. S. Davis, aged 31 years; Waxhaw.

Q. What is your politics?—A. Democrat.

Q. Do you know the general character of L. L. Fincher, of Waxhaw, N. C.?—A. I think I do.

Q. What is it?—A. Good.

Cross-examination:

Q. How long has Mr. Fincher been living near you?—A. He has been living in town for the last six months and living within five or six miles of town for the last six or eight years.

Q. Do you know of any voter in Union County having been prevented by force or intimidation from voting in the election of 1898?—A. No, sir.

Q. Did you hear of any voter in Union County having been prevented from voting by force or intimidation?—A. No, sir.

Q. Did you know or did you hear of any such organization as Red Shirts in Union County during the campaign of 1898?—A. No, sir.

Q. Do you know of any political meeting of Populists or Republicans in Union County in the campaign of 1898 having been broken up or disturbed by Red Shirts, or any persons whatsoever?—A. No, sir.

Q. Did you hear of any Populist or Republican meeting, during the campaign of 1898, having been broken up or disturbed in Union County during the year 1898?—A. No, sir.

Q. Did you hear John D. Bellamy, the contestee in this cause, make a political speech in the campaign of 1898?—A. No, sir.

Q. Which party, the Republicans and Populists on the one hand, or the Democratic party on the other hand, had a majority of registrars and judges of election in your precinct in the election of 1898?—A. I think the Populists and Republicans had it.

Q. Was there not a great deal of local dissatisfaction among the colored voters in your township in the campaign and through the election of 1898 because of Populist legislation upon the subjects of school committeemen and roads?—A. As to school committeemen I think there was.

Q. Who comprised the greater number of Populist-Republican voters in your township, colored people or white?—A. Darkies.

Q. Was there not also great dissatisfaction upon the part of colored voters in your township during the campaign and through the election of 1898 because the Populists had refused to fuse in that township with the Republicans on the ticket for magistrates and constables?—A. Yes, sir.

Q. Which party, Democratic party on the one hand, or the Populist and Republican party on the other hand, made the more thorough canvass and was the better organized in the campaign of 1898 in Union County?—A. I would say the Democrats.

Q. Which candidate, Bellamy on the one hand, or Dockery on the other hand, made the more speeches in the campaign of 1898 in your vicinity?—A. Bellamy; he spoke in the town one time and Dockery did not.

Q. Did you hear before the election and up to the time of election any complaints upon the part of Republicans and Populists that they could not organize their voters because they were intimidated?—A. No, sir.

Q. Was there among the colored voters in your township or in the county that you heard of any fear that violence would be offered them when they assembled in political meetings or went to vote?—A. Not that I heard of.

Q. Did you hear before the election in 1898 any threats of lynching Republican leaders or any rumors of any such threats?—A. No, sir.

Q. You refer in the above answer to the Republican leaders in Union County, do you?—A. Yes, sir.

Q. Was the election in Union County, so far as you know and so far as you have heard—the election of 1898—a fair and honest one and a correct expression of the will of the voters?—A. Yes; so far as I have heard.

Q. Were not a great many of the former Populist voters in your part of Union County indifferent, and did not quite a number of them remain away from the polls at the election of 1898?—A. In the town where I live there were only three or four Populists, and I have heard that some stayed away from the adjoining box.

Q. Did not, before the election of 1898, a great many Populist voters in Union County publicly announce, through the press and otherwise, that they were disgusted with the effects of fusion rule and fusion legislation and had returned to the Democratic party?—A. Yes; I think they did.

Q. Were not the people of North Carolina and the people of Union County and the people of this Congressional district, so far as your information goes, thoroughly disgusted in 1898 with the effects of fusion rule upon the welfare of the State, county, and district?—A. Yes; I think the greater portion were.

Redirect examination:

Q. There might have been threats, intimidation, and violence, and organizations known as Red Shirts in Union County in 1898 not known to you, might there not?—A. Yes, sir.

Q. You stated in your cross-examination that certain Populists publicly announced that they had returned to the Democratic party. Will you mention their names?—A. I referred to those mentioned in the press and I don't know the names.

Q. The feeling of disgust of the people of the State and the Sixth Congressional district, mentioned by you in your cross-examination, was only what you saw in the press, was it not?—A. What I saw in the press and my general information.

Q. What was your general information outside of what you saw in the public press referred to in your answer above?—A. Expressions from my friends and acquaintances.

Q. The press referred to above from which you obtained your information was chiefly Democratic, was it not?—A. Yes, sir.

D. S. DAVIS.

Sworn and subscribed before me.
[SEAL.]

J. W. STEEN, *Notary Public*.

C. J. HUDSON, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. C. J. Hudson; age, 37 years; Waxhaw, N. C.

Q. What is your politics?—A. Democrat.

Q. Do you know the general character of L. L. Fincher, of Waxhaw, N. C.?—A. Yes, sir.

Q. What is his character?—A. Good.

Q. How long have you known him?—A. About fifteen years.

Cross-examination:

Q. What were your politics, Mr. Hudson, in the election before last?—A. About two years ago I split my ticket, voting part Populist and part Democrat.

Q. You changed entirely over then by the election in 1898?—A. Yes, sir.

Q. Do you know of any voter in Union County in the election in 1898 having been prevented from voting by force or intimidation?—A. No, sir; I do not.

Q. Did you hear of any voter in Union County during the campaign of 1898 being prevented from voting by reason of force or intimidation?—A. No, sir; I never heard of any.

Q. Do you know or did you hear of any Populist or Republican speaker being offered during the campaign of 1898 any violence whatsoever?—A. No, sir; I never heard of any.

Q. Do you know or did you hear of any such organization in Union County as Red Shirts?—A. I never heard of any.

Q. Did the colored voters in your neighborhood or elsewhere that you heard of in Union County express any fear that violence would be offered them if during the campaign of 1898 they assembled in political meetings or went to vote?—A. No, sir; I never heard of any.

Q. Does your township adjoin the South Carolina line?—A. Yes, sir.

Q. Do you know or did you hear of Red Shirts coming over from South Carolina into Union County or into your township or into the adjoining township?—A. I have heard some such little talk, but I paid so little attention to it that I do not remember any of it.

Q. You mean that they did come or that they might come?—A. That they might come; I heard it talked before election.

Q. Did you hear before the election any complaints upon the part of the Populists and Republicans that the voters of those parties could not be organized because they were afraid?—A. No, sir.

Q. What precinct did you vote in the election of 1898?—A. At Wilson's old store.

Q. Which party, the Democratic on the one hand or the Populist and Republican parties on the other, had a majority of the registrars and judges of the election at that precinct?—A. Well, sir, I couldn't tell you.

Q. Was there not upon the part of the Populist and Republican voters considerable dissatisfaction because of recent fusionist laws passed about roads and schools? I mean the Populist and Republican voters in your township.—A. Well, I think I heard of some little.

Q. Were not the colored voters in your township greatly dissatisfied in the campaign, and through the election of 1898, because the Populists declined to fuse with them on a constable and magistrates ticket?—A. They might have been, but I never heard of them saying so myself.

Q. Did you hear a speech made by the Hon. John D. Bellamy, Democratic candidate for Congress, in your township?—A. No, sir; I never heard it.

Q. Do you know or did you hear of any political meeting of Populists and Republicans in Union County during the campaign of 1898 being broken up or disturbed by Red Shirts or any persons whatsoever?—A. No, sir; I did not.

Q. Did you hear of, before the election of 1898, any threats of lynching Republican leaders in Union County or elsewhere?—A. No, sir; I never heard of any.

Q. Was the election in 1898 in Union County, so far as your information goes, a fair one and true expression of the will of the voters?—A. Yes, sir; so far as I know it was fair.

Q. Did you not hear before the election of 1898 of quite a number of Populists, that like yourself had turned over to the Democrats?—A. I think I heard of some few.

Q. Were they your neighbors or people living within a few miles around you?—A. Yes, sir; I think they lived very near, some of them.

Q. Were not the Democrats, so far as your information goes, much better organized in the campaign of 1898 than in the two last campaigns?—A. I can not answer that question; I do not know.

Q. Well, which party, the Democratic or the Fusionists, made the harder fight in Union County in 1898?—A. I couldn't answer that question.

Redirect examination:

Q. There might have been threats, violence, and intimidation against Republicans and Populists not known to you, might there not?—A. Might have been; I don't know anything about that.

Q. Republican political meetings might have been disturbed and leaders of that party threatened with lynching not known to you, might there not?—A. There might have been, but I never heard of it.

Q. You stated in your cross-examination that you heard Red Shirts might come into Union County; what did you hear was the purpose of the Red Shirts?—A. Well, I don't know that I heard.

Q. Did you hear or read in the papers of the existence of Red Shirts in the district; if so, state what they did and what was their purpose.

(Question objected to by contestee as being leading and irrelevant, and calling for hearsay testimony.)

A. I never heard of any in the district.

Q. Now, will you tell the purpose of Red Shirts?—A. Well, I do not know; we used to have them in South Carolina.

Q. What did you have them in South Carolina for?

(Question objected to by contestee as being irrelevant to this case and any election contest arising in this State.)

A. It was merely for a fashion before election or something of that kind. I was small at that time myself.

Q. What did they do before election?—A. I don't know what they did; I suppose they were at work, when they had anything to do, attending to their business if they had any.

(At this point counsel for contestant asks permission to ask leading questions, as follows:

(Counsel for contestee objects to motion of contestant. Court allows the question. Contestee excepts.)

Q. Was not the purpose of Red Shirts in South Carolina to intimidate and elect the Democratic ticket, and in order to do this did they not, at the time, arm themselves and commit violence or threaten to do so in order to effect their purpose?—A. I suppose they did to elect their ticket, but I do not know whether they armed themselves or not.

Q. You stated in your cross-examination that there was some dissatisfaction because of the road law in Union County, passed by the Republican-Populist legislature in 1897; state if that road law was repealed by the Democratic legislature of 1899, and whether the same law is in effect in this county now or not.—A. If it has been repealed I have not heard of it. It is the same law today.

C. J. HUDSON.

Sworn to and subscribed before me.

[SEAL.]

J. W. STEEN, *Notary Public*.

J. S. HASTY, a witness for contestant, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. J. S. Hasty; age, 35 years; Monroe, N. C.

Q. What is your business?—A. Postmaster of Monroe.

Q. What is your politics?—A. Republican.

Q. What official position did you hold in your party during the election of 1898?—

A. Acting chairman of the Republican executive committee of Union County.

Q. Were you examined in this cause in Monroe, N. C., in February 27th or 28th?—A. Yes, sir.

Q. State anything that you may know by conversation or otherwise of any intimidation practiced by the Democratic party or leaders of that party during the campaign of 1898 that may have come to your knowledge since you testified in this cause when in Monroe, N. C.—A. Since I testified I have talked to a voter and he told me that as he went to vote at his voting precinct a Democrat looked over his shoulder and saw his ballot and asked him if that was the ballot he was going to vote. He told him it was. It was a Fusion ticket, and the Democrat told him that if he voted that ticket there would be bloodshed.

(Question and answer objected to in apt time, first, because they are in regard to hearsay matter; second, because the said testimony is now proposed for the first time when contestee has under the statute limiting his time for taking depositions no opportunity to reply to said evidence.)

Q. State if you have ever been in the office of J. W. Steen, notary public, before whom depositions were taken in Monroe, N. C., on February 27 and 28, 1898.—A. Yes, sir.

Q. State as nearly as you can the dimensions of said office and the purposes for which the same is used by the said Steen.

(Question objected to by contestee as irrelevant to this cause.)

A. I judge the office to be about 12 by 14 by 20. He uses it as a regular office, for I have heard him try cases in there as United States commissioner.

(Answer objected to by contestee as irrelevant to the issues in this cause.)

Q. State if you know whether the road law for Union County and the dispensary law of said county passed by the Republican-Populist legislature, the legislature of 1897, were either repealed or modified by the Democratic legislature of 1899.

(Question objected to by contestee as being incompetent on the grounds that said question is irrelevant to the issues in this cause.)

A. I know they haven't been repealed, and if they were modified in any way I have never heard of it.

(Answer objected to by contestee as being incompetent on the ground that the said answer is irrelevant to the issues in this cause.)

Cross-examination:

Q. Mr. Hasty, I believe you say it is contrary for a man occupying the position you do as postmaster at Monroe, N. C., to take an active part in politics by working for the success of any political party. Is that true?—A. No, I did not say that. My understanding is that a man can't use his office in any way to help his party to success, but he has the same privilege as any other man to work for his political party outside of his office.

Q. I ask you if you did not say in the deposition in this cause, taken February 27 and 28, 1899, before J. W. Steen, notary public, at Monroe, N. C., for a man holding your position to take an active part in politics was contrary to civil-service rules? (Contestant objects to question.)

A. No, sir; you asked me in that cross-examination before Mr. Steen in February if it was not against civil-service rules for an officer holding my position to act as chairman of any political party, and I told you that it was. That is the substance of it.

Q. Did you aid in organizing the Populist and Republican voters in Union County in the campaign of 1898 in your capacity as acting chairman?

(Question objected to by contestant.)

A. I did with persuasion, but not financially.

Q. Were you present when the voter you referred to in your direct examination above cast his vote?—A. No, sir; I just have it direct from him verbally.

Q. What was the voter's name?—A. Spencer Richardson.

Q. What ticket did he finally vote?—A. He said he voted his ticket like he started to vote it.

Q. He was not intimidated then, was he?—A. I should take that to be an intimidating remark.

Q. What ticket did he say he started to vote?—A. Fusion ticket.

Q. Have you not heard that one very obnoxious feature of the dispensary law of Union County, to wit, requiring a man to sign his name when he purchases whisky, was repealed by the recent Democratic legislature?—A. If it was I never heard tell of it.

Q. You do not deny that that is a fact, do you?—A. I do not deny that it's a fact, but I think they have to sign for it yet.

Q. Where does J. W. Steen, notary in this cause, live?—A. Central Hotel, Monroe, N. C.

Q. What is the county seat of Union County?—A. Monroe.

Q. Which is the more central point of Union County, Monroe or Marshville?—A. Monroe.

Q. Have you heard a list of the witnesses to be examined to be taken at this deposition read over?

(Objection by contestant to the question.)

A. Yes, sir.

Q. Which would be the more convenient point, Monroe or Marshville, for the great majority of those witnesses and the notary to attend to perform their respective duties in regard to the taking of those depositions?

(Objection to question by contestant.)

A. I suppose Monroe would be more convenient, although a lot of the witnesses are glad that it is Marshville.

Q. How far is Marshville from the Anson County line?—A. I don't know.

Redirect examination:

Q. You stated in your cross-examination that a lot of the witnesses were glad that their depositions would be taken in Marshville instead of Monroe; why are they glad?—A. Two or three of them have told me that they could give their testimony here without any fear whatever.

Q. Did those witnesses state that they were afraid to be examined in Monroe, N. C.?—A. They didn't exactly say they were afraid, but they thought they could have more free speech down here, and I inferred from their conversation that they preferred Marshville to Monroe.

Recross-examination:

Q. Was anybody threatened, or was any violence used toward any witnesses for the contestant if they should testify in the taking of depositions formally in this cause before J. W. Steen and J. N. Terrell, February 27 and 28, 1899, in Monroe, N. C.?—A. I heard one Democrat say that one witness ought to be run out of the State for giving the testimony that he did.

Q. Did he run him out of the State, or attempt to run him out of the State?—A. No, sir; not that I know of.

Q. Did anybody that you know of offer that witness any violence?—A. No, sir; not that I know of.

J. S. HASTY.

Sworn to and subscribed before me.

[SEAL.]

J. W. STEEN, *Notary Public.*

C. R. MOSER, a witness for contestant, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. C. R. Moser; age, 30 years; Goose Creek Township, Union County.

Q. What is your politics?—A. I am a Republican.

Q. What is your business?—A. I am school teaching and farming.

Q. Were you in Union County during the campaign of 1898?—A. Yes, sir.

Q. State anything that you may know of any threats or intimidation practiced by the Democrats or the leaders of the Democratic party during said campaign.

(Question objected to by contestee on the grounds that this witness is now at the hearing given the contestant for rebuttal, being examined for the first time, when said question may require an answer involving new matter, which the contestee will, under the statute limiting his time for preparation of evidence, have no opportunity to reply to.)

A. I was threatened to an extent by some of my Democratic friends. I was told by one Democrat that I was going to be lynched. I told him that he was joking, and he replied that if he didn't do it a man at the head of him would. I understood by that expression that he belonged to a mob club. On that evening on my way home I saw two men, one on one side of the road and another on the other, when I came in sight of them. As I advanced they disappeared into the woods along the road that I had to go. I became uneasy and took another road; went to a colored man's house, and while I was there I hears hollers and saw men going down to the road near my home. This scared me again. I turned back. I decided after that that I would go on home. I came to a ditch that had run across the road through a field, and I heard something like men in the ditch. I decided at once that I had better go back, so I turned back and went 3 miles to my brother-in-law's, where I stayed all night.

Q. State anything that you may know by conversation with your wife as to any threatened violence against you at your home on the night referred to above.

(Question objected to by contestee as being in regard to hearsay evidence, consequently incompetent.)

A. The next day when I got home my wife told me that there were persons riding around my house that night, and that my dog charged all night, and she heard a crowd of men not far from the house, in the woods.

(Answer objected to as being incompetent on the ground that the same is in regard to hearsay matter.)

Q. State if you have been an active worker for the success of the Republican party prior to the campaign of 1898.—A. Yes, sir.

Q. State what effect, if any, the threat of lynching you spoke of above, and the demonstrations out in the roads as you were going home that night, and the demonstrations about your house, told you by your wife, had upon you in working for the success of the Republican party.

(Question objected to by contestee on the grounds that same is incompetent, being now offered for the first time, and this witness being examined for the first time, when, according to the statutes limiting the contestee's time for preparation of evidence, no opportunity can be had by contestee to reply to the evidence involved, and on the further ground that said question involved an answer taking for true, is hearsay testimony.)

A. Of course I worked less; I didn't feel safe in risking myself out as I had done before.

(Answer objected to by contestee because it is entirely new matter, to which, as set forth in objection to question, contestee will have no opportunity to reply.)

Q. State the feeling that existed among colored voters in your vicinity and county during the campaign of 1898?

(Question objected to by contestee as being incompetent, as relating to questions of feelings of others instead of their acts indicative of such feeling.)

A. They appeared to be uneasy.

Q. State if they held political meetings during the campaign of 1898 as they had done during the campaigns prior thereto.—A. No, sir.

Q. What do you attribute their failure to hold said political meetings to?

(Question objected to by contestee as involving an answer expressive of opinion and as being therefore incompetent.)

A. I think they were uneasy on account of so many threats being made verbally and through the newspapers.

(Answer objected to as incompetent because it expresses an opinion.)

Q. State if the colored Republicans at your voting precinct on the election day in 1898 were as active in working for the success of their party as they had been on election days prior thereto.—A. They were not.

Q. State if you know, by conversation or otherwise, of any colored Republican voters of Union County who failed to go to election and vote in 1898.

(Question objected to by contestee as being incompetent because of irrelevancy and as pertaining to hearsay matter.)

A. I know several who did not go.

Q. State if they told you why they did not go and vote.

(Question objected to by contestee as being incompetent because of irrelevancy and because answer to the same involves hearsay matter.)

A. Some of them told me that their landlords asked them not to go.

Q. About how many did not vote, as you best recollect?

(Question objected to by contestee as being irrelevant and pertaining to hearsay evidence.)

A. I don't recollect the number, but I know and can name four or five.

Cross-examination:

Q. You stated in your direct examination that you did not work as hard after remarks you say were made to you by a man; did you work any for the success of your party afterwards?—A. Very little, indeed.

Q. Did you vote in the election in 1898 in your precinct?—A. Yes, sir.

Q. What ticket did you vote?—A. The Fusion ticket.

Q. On that election day was any violence offered you or any other Fusionist voter present to prevent you from voting and working for the success of your ticket?—A. There was none offered me; I do not know of any.

Q. Who was the Democrat that you say threatened that you would be lynched?—A. Mr. T. F. James.

Q. Is not Mr. T. F. James a man of good standing in your community?

(Objection entered by contestant.)

A. Some of them esteem him very highly, while others do not.

Q. Do you believe from what you know of Mr. James, that he would stoop to join in lynching you or in suggesting to anyone else to lynch you, or encouraging anyone else to lynch you for working for your party?—A. I don't put him much past it.

Q. You do put him some past it then?—A. I don't know that I do.

Q. If you do not, why did you say "I don't put him much past it?"—A. I didn't say that I didn't put him any past it.

Q. I didn't ask you that; I asked you why did you say "I don't put him much past it," and I ask you that again.—A. I meant that I didn't put him past belonging to such order.

Q. Why didn't you say so?—A. That is what I meant.

Q. Who were the two men whom you say you saw down in the road?—A. I don't know.

Q. Why is it that you can't remember that when you pretend to remember everything else so well?—A. I can't remember that that I never knew.

Q. Why did you say you couldn't remember their names if you never knew them?—A. It was dusk; I couldn't tell who the men were. I may have known them, but I couldn't see them good enough at that time to tell who they were from the distance from where I was.

Q. Then, as a real fact of the business, that you won't give their names now, because if I could get permission from Congress I might have them subpoenaed and examine them?—A. If I knew who the men were I would tell you.

Q. Did they say anything to you?—A. No, sir.

Q. Did they start toward you?—A. No, sir.

Q. Weren't they, in fact, going from you?—A. They were not when I first saw them.

Q. Did they do anything to you?—A. As I advanced, as I told you in the outset, they run on out the road toward my home, entering a deep wood through which I had to go, or would have gone had I gone my usual road.

Q. I asked you did they do anything to you? Now I want an answer to the question.—A. Of course I did not get close enough to them for them to come in contact with me.

Q. Do you know why they ran down to the woods?—A. I don't.

Q. And you didn't know either one of them?—A. No, sir.

Q. And yet you went back?—A. Yes, sir; I went back. I didn't go back to where I started from; I went back to my brother-in-law's.

Q. When you went down to that ditch did you see any men in the ditch?—A. No, sir.

Q. What animals stay in ditches and make a noise?—A. I never looked to see that one.

Q. Did anything say "knee deep," "belly deep?"—A. I did not hear it.

Q. You said in your direct examination that the colored people didn't hold as many political meetings last campaign as in former campaigns. Did as many speakers come around on the Fusionist side to stir them up?—A. No, sir.

Q. Didn't a good many colored people in your precinct vote the Democratic ticket in the election of 1898?—A. I think some of them voted it.

Redirect examination:

Q. You state in your cross-examination that you think some of the colored people voted the Democratic ticket in 1898. Now, state if the number who so voted the Democratic ticket was greater than the number that voted that ticket in elections prior to 1898.—A. I don't know.

C. R. MOSER.

Sworn to and subscribed before me.

[SEAL.]

J. W. STEEN, *Notary Public*.

DAVE BLAKENEY, being duly sworn, deposes and says:

Q. State your name, age, and residence.—A. David Blakeney; aged 51 years; Buford Township, Union County.

Q. What is your politics?—A. Republican.

Q. Were you in your township on election day in 1898?—A. I was.

Q. State any violence or threatened violence that was offered you by any Democrats or Democrat on that day.

(Question objected to as being incompetent on the ground that same is asked for the first time now at contestant's time for rebuttal, and is involving in its answer new matter to which, because of the limit set by law to his time for preparation of evidence, the contestee will have no opportunity to reply.)

A. I went to the election and also voted as usual, and afterwards James Doster came up with Mr. Philip Whitley. I asked him did he want his ticket to vote; Mr. Whitley cursed me, abused me, threatened me to hurt me if I said any other word. I decided it were best to leave in a short time. I was afraid if I stayed as usual someone might hurt me or probably kill me.

(Answer objected to by contestee as being new matter offered first at this time and to which, for reason set forth in objection to question, contestee will have no opportunity to reply.)

Q. State if you did any work for the Republican party on election day in 1898.—A. I did not.

Q. State if you had been an active worker on election days for the Republican party prior to 1898.

(Question objected to by contestee as being irrelevant and involving new matter to which contestee will have no opportunity to reply.)

A. I have for thirty years.

Q. Then why were you not an active worker on election day in 1898?

(Question objected to by contestee as being irrelevant and its answer involving new matter to which contestee will have no opportunity to reply.)

A. I was afraid.

(Answer objected to by contestee as being incompetent because it is stating new matter to which contestee will have no opportunity to reply.)

Q. Do you know, from conversation or otherwise, or from reading the Democratic newspapers, that there were organizations in the Sixth Congressional district known as Red Shirts, and that they were working in the interest of the Democratic party?

(Question objected to by contestee as being incompetent for that it pertains to hearsay evidence.)

A. I don't know of any red-shirt company being organized.

Q. What was the general feeling among the colored Republican voters of your vicinity and this county during the campaign of 1898?

(Question objected to by contestee as being incompetent in that its answer would be concerning feeling and not acts and circumstances indicative of feeling, and on the further grounds same is irrelevant and pertains to new matter to which, because of the limits set by law to his time for taking depositions, contestee will have no opportunity to reply.)

A. They seemed to be very cowardly and scared.

Q. Was this general feeling due to the methods practiced by the Democratic party and the leaders of that party?

(Question objected to by contestee as being incompetent, because it is a question concerning opinion, and on the further ground that contestant is by such question cross-examining his own witness.)

A. I think it was.

(Answer objected to by contestee as being expressive of opinion as to feeling without stating the acts and circumstances from which feeling could be inferred, and on

the further ground that it is new matter, to which contestee will have no opportunity to reply.)

Q. State, if you know, whether the colored Republican voters went to the election in 1898 and worked for their party as on election days prior thereto.

(Question objected to by contestee as incompetent, because of being leading, irrelevant, and being new matter, to which contestee will have no opportunity to reply.)

A. Did not.

(Answer objected to as being irrelevant and new matter, to which contestee will have no opportunity to reply.)

Q. State, if you know, any colored Republican voters who failed to go to election and vote in 1898.

(Question objected to by contestee as being irrelevant and pertaining to new matter, to which contestee will not have opportunity to reply.)

A. Several failed.

(Answer objected to by contestee as being irrelevant.)

Q. To what do you attribute their failure to go to the polls and vote?

(Question objected to by contestee as pertaining to a matter of opinion.)

A. I suppose on account of threats that were made.

(Answer objected to by contestee as being expressive of opinion and supposition.)

Q. State if any of them told you of threats.

(Question objected to by contestee as being new matter, to which contestee will have no opportunity to reply, and as pertaining to hearsay testimony.)

A. They did not.

Q. What is your calling in life?—A. I preach.

Cross-examination:

Q. You preach and you also, like some of the ancient patriarchs, take unto yourself more than one wife, don't you?

(Objection by contestant.)

A. Not but one.

Q. Who are you living with at present as your wife?—A. Celia Ann Blakeney.

Q. Were you ever married to Abigail Blakeney?—A. No, sir.

Q. Did you ever live with her?—A. She had a child she said I was father of.

Q. Were you preaching then?—A. Not a member of any church then.

Q. I asked you did you ever live with her, and want an answer.—A. She lived in the house with me a while.

Q. Did you go through a form of marriage with her?—A. Some kind of a form.

Q. Did you ever get a divorce in court?—A. Not lawfully married.

Q. You were at the polls on election day in 1898; what ticket did you vote?—A. Fusion ticket.

Q. Vote all Fusion ticket.—A. Vote all Fusion ticket.

Q. I ask you, and I put you on your guard, if you did not vote for E. A. Armfield for clerk—the Democratic nominee—and work for him?—A. Did not vote that ticket.

Q. Now, Dave, I ask you, and put you on your guard and warn you that the consequences of your answer may be a trial for perjury, if you didn't, on that election day, work and vote for some of the Democratic candidates, and if that wasn't what Philip Whitley got mad at you about when you approached Jim Doster?

(Contestant objects to this question, for the reason that embodied in said question is a threat of prosecution for perjury, and insists that the same be stricken out for that reason.)

A. I did not work for Democrats.

Q. Did you work for them on that election day?—A. I never did.

Q. Did you tell anybody that you were going to or that you were working for them?—A. I spoke of some of them being nice men.

Q. I asked you, and I want an answer to my question, if you told anybody that you were going to or was working for the Democrats.—A. I did not.

Q. I ask you, and I put you on your guard, if Philip Whitley is not a Republican?—A. I don't think he is.

Q. Do you know that he is not a Republican?

(Objection by contestant.)

A. I don't think he is.

Q. I ask you, and I want an answer to the question I ask you, do you know that he is not a Republican?—A. I do not think he is.

Q. Do you refuse to answer the question whether or not you know that he is a Republican?—A. I think he is a Democrat.

Q. I ask you, and I again demand an answer, do you know whether or not Philip Whitley is a Republican? I did not ask you what you think.—A. If he had been a Republican he would not have been abusing and cursing me.

Q. I did not ask you that, and I again demand an answer to my question. Do you know that Philip Whitley is not a Republican?—A. I believe Philip Whitley to be a Democrat.

Q. Do you know that Philip Whitley is not a Republican?—A. I do not know. He refused to accept the Republican ticket.

Q. Who did he refuse to accept them from?—A. I had some in my hand.

Q. You are a colored man and he is a white man. Isn't that so?—A. Yes, sir.

Q. Dave, was there not some dissatisfaction among the colored voters in your neighborhood because of the establishment by the Fusionist legislature of a new road law, new school law, chain-gang system, and the dispensary, and did not this dissatisfaction show itself in the results of the election?

(Question objected to by contestant as being irrelevant to the issues involved in this cause.)

A. It was some dissatisfaction.

Q. You said, Dave, that the colored voters didn't vote and work like they had in former campaigns. Were there as many Fusionist speakers around as there used to be to whoop the boys up?—A. I don't think there was.

Q. You said, in your cross-examination, that you thought the colored people were cowardly about voting. Do you remember a passage in the Scriptures that says "timid flee when no man pursueth?"

(Objection by contestant.)

A. The wicked.

Q. If you weren't working for the Democrats down there on the election day in 1898, what party were you working for?—A. The Fusion. I went down there for that purpose.

Q. As I understand you, you offered Mr. Whitley and Jim Doster some tickets of the Fusion party; is that right?—A. Yes, sir; Jim Doster.

Q. Now, Dave, I ask you if you offered any other voter a ticket of the Fusion party?—A. I did.

Q. Now, how many did you do that?—A. Two.

Q. You did work some, then, for the Fusionist party on that election day?—A. Yes, sir; I gave two. I worked that much.

Q. That's two beside Mr. Whitley and Jim Doster?—A. Yes, sir.

Q. Now, I ask you if you didn't testify a while ago in your direct examination that you didn't work on that day for the Fusionist ticket?—A. I did not stay this time.

Q. I asked you if you didn't testify a while ago that you did not on that day work for the Fusionist ticket?—A. I was scared and I left.

Q. I again want to know, and I demand an answer to my question, if you didn't say a while ago that you did not on that election day work for the Fusionist ticket? I am asking you what you said you did and not what you did.—A. I think I said it.

Q. Does your township adjoin the South Carolina line?—A. I do not know, to be certain.

Q. Do you know how far, or about how far, it is from where you live to the South Carolina line?—A. I do not.

Q. Did you see any band of Red Shirts come over into your township from South Carolina or anywhere else?—A. I saw a few men the day of the parade have on red shirts.

Q. Was that in Monroe?—A. They passed along by the road.

Q. What road?—A. Close on to my house.

DAVID BLAKENEY.

Sworn to and subscribed by me.

[SEAL.]

J. W. STEEN, Notary Public.

L. L. FINCHER, being duly sworn, deposes and says:

Q. State your name, age, and residence.—A. L. L. Fincher; aged 37 years; Waxhaw.

Q. What is your politics?—A. Republican.

Q. What is your occupation?—A. Postmaster.

Q. You testified in this cause, as a witness for contestant, in Monroe, N. C., on February 27 or 28, did you not?—A. Yes, sir.

Q. State anything you may have learned since you were examined there of any bribery, or attempted bribery, on the part of Democrats or leaders of the Democratic party during the campaign of 1898.

(Question objected to by contestee as being incompetent, for that it is relative to new matter, to which, because of the limits set by law to his time for taking depositions, the contestee can not reply; and on the further grounds that the question necessarily pertains to hearsay evidence.)

A. I heard of a Democrat offering a darky 50 pounds of flour to vote the Democratic ticket.

(Answer objected to by contestee for reasons set forth in question to same.)

Q. Do you know the general character of S. M. Secrest?—A. I think I do.

Q. What is it?—A. I think it's good.

Cross-examination:

Q. Mr. Fincher, were you ever accused of taking a jug of whisky?—A. Never heard tell of such as that before.

Q. From Esquire McWhorter?—A. No, sir; not that I ever heard of before.

Q. Did you ever talk to Mr. Dan Davis about it, then?—A. Not that I have any recollection of.

Q. There was some difficulty between you and Esquire about a jug of whisky, wasn't there?—A. No, sir.

Q. How far do you live from Mr. S. M. Secrest?—A. I do not know how far it is.

Q. How far do you live from Monroe?—A. It is counted 12 miles from Monroe to Waxhaw, isn't it?

Q. Does Mr. Secrest live in your neighborhood?—A. No, sir.

Q. Who did you ever hear say that his character was good?—A. I don't know that I recollect of anybody saying so.

Q. Did you work before last election and at the polls in the interests of the Fusion party?—A. Didn't take much interest in politics in the last election.

Q. Were you not yourself, to some extent, dissatisfied with Fusion rule in North Carolina, so far as Populists, and not Republican, measures had been enacted by the legislature?

(Objection entered by contestant.)

A. A little.

Sworn to and subscribed before me.

[SEAL.]

L. L. FINCHER.

J. W. STEEN, *Notary Public*.

S. M. SECREST, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. S. M. Secrest; age, 52 years; I live in the country about 3 miles from Monroe.

Q. What is your politics?—A. Republican.

Q. What is your occupation?—A. Farmer.

Q. You were examined as a witness for contestant in this cause in Monroe, N. C., on February 27 and 28, were you not?—A. Yes, sir.

Q. State any remarks you may know, by conversation or otherwise, made by Democrats in the hearing of negroes when passing by.

(Question objected to by contestee as irrelevant and being new matter to which, because of the limits set to his time for taking depositions by law, the contestee will have no opportunity to reply, as pertaining to hearsay matter, and for each and all these reasons being incompetent.)

A. Very common you would hear them say, "We are going to carry this election one way or the other. If we can't carry it no other way, we will carry it by the shotgun," or something to that amount.

(Answer objected to by contestee as pertaining to hearsay matter—as being new matter to which, as above set forth in objection to question, contestee will have no opportunity to reply.)

Q. Did you hear these remarks yourself, and when were they made?—A. They would very commonly make them when we country people would come into town. It was all said or done before the election.

(Question and answer objected to by contestant as being in regard to hearsay testimony.)

Q. What election do you mean?—A. The general election in 1898.

(Question and answer objected to as being in regard to hearsay testimony.)

Q. State any remarks you may have heard made by any Democrat or Democrats, or leaders of the Democratic party, prior to the election in 1898, as to what would be the result if President McKinley should undertake to send troops into this district to restore order.

(Question objected to by contestee as being incompetent, for that same pertains to hearsay matter; is irrelevant and pertains to new matter to which, because of the limit set by law to his time for taking depositions, the contestee will have no opportunity to reply.)

A. My recollection is when speaking of it, in case of a riot or anything of the sort, I made that remark: "What if we would send troops down here?" They said: "We would fight." We have the President; they made the remark that, "He couldn't do that."

(Answer objected to by contestee as being incompetent, as being in regard to hearsay matter, and on the further ground that it is new matter, to which, as above set forth in objection to question, contestee will have no opportunity to reply.)

Q. Did they state what they would do with the troops and what their course toward the Union would be?

(Question objected to by contestee as being incompetent, for that it is in cross-

examination of contestant's own witness, is irrelevant, and is pertaining to hearsay matter, and is new matter to which, because of the limits set by law for his time in taking depositions, contestee will have no opportunity to reply.)

A. They would say so many things that I really don't know whether I could remember the exact words or not. It did not make any difference what Democrats you came in contact with, they all generally used the same language. I don't recollect positively what they would say. It seemed to me that every time I would come into conversation with one he would signify that I was on a disgraceful side and he was right. They seem to manifest that same disposition to-day.

(Exception by contestee to answer, on the grounds that answer is irresponsible to the question, is irrelevant, and pertains to hearsay matter; raises new matter, to which, as above set forth, as in objection to question, contestee will have no opportunity to reply.)

Q. Now, will you state what they said they would do with the troops, or do to the troops, and what their course toward the Union would be?

(Question objected to by contestee as being incompetent: First, for that it is in cross-examination of contestant's own witness; second, is irrelevant; third, pertains to hearsay matter; fourth, relates to new matter to which, because of the limits set by law to his time for taking depositions, contestee will have no opportunity to reply.)

A. I think they said they would shoot them down like rabbits or something that way.

(Answer objected to by contestee, for reasons set forth in objections to question.)

Q. State if you have been indicted since you gave testimony in this cause on February 27 and 28, because of statements made by you then; and if so, when?—A. I had a warrant served upon me here at this place yesterday.

Q. How far are you from your home, and what is your purpose here?

(Question objected to by contestee as being irrelevant and as pertaining to new matter to which, because of the limits set by law to his time for taking depositions, contestee will have no opportunity to reply.)

A. I am about 13 miles, I reckon; it's 10 miles from here to Monroe; I was summoned here as a witness in behalf of O. H. Dockery.

(Answer objected to by contestee as being irrelevant; concerning matters that have arisen since the election, and as being new matter to which, because of the limits set by law to his time for taking depositions, contestee will have no opportunity to reply.)

Q. Then you were arrested at Marshville while attending as a witness for contestant, having been duly subpoenaed, and while 13 miles from home?

(Question objected to by contestee as being leading, irrelevant, concerning matters that have arisen since the election; pertaining to new matter to which, because of the limits set by law to his time for taking depositions, the contestee will have no opportunity to reply.)

A. Yes, sir.

(Answer objected to by contestee for reasons set forth in objection to question.)

Q. Where have you been since February 27 and 28, the date of your former examination in this cause?

(Question objected to by contestee as being incompetent, for that it is irrelevant, pertains to matter that has arisen since the election, and is new matter, to which, because of the limit set by law to his time for taking depositions, the contestee will have no opportunity to reply.)

A. I have been at home and have been in Monroe as many as three or four days last week.

(Answer objected to by contestee for reasons set forth in objection to question.)

Q. State who swore out the warrant under which you were arrested.

(Question objected to by contestee as being incompetent, for that it is irrelevant, concerns matters that have occurred since the election, and is new matter to which, because of the limits set by law to his time for taking depositions, the contestee will have no opportunity to reply.)

A. Dan Parker.

Q. What is Dan Parker's politics, and what is his official relations to his party?

(Question objected to by contestee as incompetent for that it is irrelevant, concerns matters that have occurred since the election, and pertains to new matter to which, because of the limits set by law to his time for taking depositions, the contestee will have no opportunity to reply.)

Contestant insists that this evidence is competent, and introduce the same with the purpose of showing that the warrant of arrest was sworn out by Dan Parker with the purpose of intimidating this witness and for the purpose of suppressing testimony which contestant proposed to elicit from this witness.

Contestee insists that this evidence is not competent for that contestee denies all responsibility for the acts of J. D. Parker or anyone else save himself, and is

informed and believes that he is in nowise responsible for any acts J. D. Parker may have done. Though contestee would not be understood as denying that S. M. Secrest is indictable for statements made on February 27 and 28, 1899, before J. W. Steen, notary public.)

A. He is a Democrat. Been employed by the Democratic party to issue the Democratic literature in the town of Monroe. Allegations read in the warrant yesterday were false; there is not a word of truth in them except the taking of the testimony before Mr. Steen. I stated nothing but facts before Mr. Steen. It seems that they are trying to howl me down on account of evidence I have made, while they do not tackle the chain of my testimony.

(Answer objected to by contestee as being incompetent for that it is not responsive to the question, concerns matters that have arisen since the election, is irrelevant, is expressive of opinion, and is new matter to which, because of the limit set by law to his time for taking depositions, the contestee will have no opportunity to reply.)

Q. State if Mr. Dan Parker was a witness for contestee in this cause, and whether as such witness he is taking an active part in behalf of contestee.

(Question objected to by contestee as incompetent for that it is irrelevant, concerns new matter; it has arisen since the election, and to which, because of the limits set by law to his time for taking depositions, contestee will have no opportunity to reply.)

A. They tell me so.

(Answer objected to as being incompetent for the reasons set forth in the above objection to question, and for further reason that same pertains to hearsay matter.)

Q. Is there anything else that you wish to state about this warrant of arrest?

(Question objected to by contestee for that it is incompetent, for that it is irrelevant, is in cross-examination of contestant's own witness, concerns matters which have occurred since the election, and is new matter to which, because of the limits set by law to his time for taking depositions, the contestee will have no opportunity to reply.)

A. I think it was done purely for spite by the town ring there that affiliates with that kind of stuff. I wish to state this: The manner which he has been talking of me in his previous examination he states that Frank Crook, Aber Helms, Robert Alexander told him that I was a mean man. I saw all three of them and had a personal chat about the matter. Eber Helms said he never spoke to him about the matter at all; said he misrepresented him. Frank Crook said he did not tell Parker what he swore; not all of it. He just told him what a few, low down white people had to say and he said the better class all gave me a good name. Robert Alexander said he did not tell Dan Parker anything at all. Last fall a year ago he run five plows for Dan, and they fell out about it and they had not spoken since. I asked Frank Crook did he ever hear any man say that Dan Parker was a good man. I asked Frank Crook if he had not seen better men and he said, "By * * * of a sight."

(Answer objected to by contestee for the reasons set forth in the above objection to the question and for the further reason said answer pertains to hearsay matter.)

Cross-examination:

Q. I ask you, Mr. Secrest, if you are not one of the most prominent Populist politicians in the State?

(Objection by contestant.)

A. No, sir; I have not had much to do with them for the last two years.

Q. Have you been?—A. Yes. I have never taken a side in my life but what I stuck to it honestly and honorably. I did when I was a Democrat.

Q. Did you have anything to do with putting Senator Butler and Senator Pritchard in the places they now occupy as United States Senators?

(Objection by contestant.)

A. Yes, sir; that was the glory of my life in politics.

Q. How important a part did you play in putting them in?

(Objection by contestant.)

A. I used my influence in every conceivable way that I thought was honorable.

Q. Were you the first or one of the first and most prominent supporters of these gentlemen?

(Objection by contestant, and contestant asks that all the foregoing questions and answers of the cross-examination be stricken from the record for that they are irrelevant, immaterial, and foreign to the issues involved in this contest, and insists that contestee ought to confine his cross-examination to the facts bearing upon the issues in the cause.)

Contestee insists that the above evidence is competent, and protests furthermore that if his questions could be considered as incompetent, which he in no wise admits, that he would only be following in the wake of the contestant.)

A. I expect I was among the first. Was not there to nominate them; was just an advocate of theirs. I was not one of the most prominent. I was not a State representative.

Q. I ask you if you favored fusion in the Populist convention of Union County in 1898?

(Objection by contestant.)

A. I gave them my consent as a spectator.

Q. I ask you if you did not vote in that convention?

(Objection by contestant.)

A. No, I was not a delegate.

Q. I ask you if you did not claim to be a Populist in the campaign of 1898?—A. I had nothing to do with any of their conventions; was not a delegate and cast no vote for them.

Q. I asked you, and I demand an answer to my question, if you did not claim to be a Populist in the campaign of 1898?

(Objection by contestant.)

A. If they hadn't fused, I would not have had a thing to do with them.

Q. Will you or will you not, Mr. Secrest, answer my question, if you didn't in the campaign of 1898 claim to be a Populist?—A. No, sir; I don't think I did; they did not recognize me, anyhow.

Q. Did you vote for the Populists on the Fusion ticket?—A. Not all; I voted part of the county ticket and voted the State Populist ticket. Voted part of the county ticket for Democrats.

Q. Were you not asked in your examination in this cause by the contestant, before J. W. Steen, notary public, on February 27 and 28, 1899, as to what threats you had heard made by Democrats by way of intimidation of voters?—A. Yes, sir; I was asked some of those questions, I reckon.

Q. I ask if, when asked those questions, you testified that it was very common to hear a Democrat say, "We are going to carry this election one way or the other. If we can't carry it no other way, we will carry it by the shotgun," or anything to that amount?—A. My answer was before Mr. Steen the first time about Bellamy's speech. He said that we were going to carry the State one way or another. Don't think I said anything about "shotgun," except Mr. Bellamy's speech and, later, Mr. Tillman. I think I stated that he said the "shotgun was more important than the ballot box in carrying the election," or something to that amount.

Q. I ask you if the weapons you said in that examination that Bellamy and Tillman had mentioned in their speeches, were not Winchester rifles?—A. Mr. Bellamy's speech contained the Winchester rifles; don't think I stated that about Mr. Tillman's.

Q. Did Tillman say anything about Winchester rifles?—A. Not that I recollect of.

Q. What Democrats, and what were their names, did you hear say, "If we can't carry the election no other way, we will carry it by shotguns," or words to that effect?—A. I don't recollect their names, but it was very commonly the younger class. That's when they were speaking of the negro.

Q. Young men are usually more imprudent?—A. Yes; the younger are more outspoken; the older class and better element did not use that language.

Q. As I understand you, although you say such threats were very common among the younger class of Democrats, you can't give me the name of a single person who made such threat?—A. I don't recollect who all. I have heard it before the election off and on.

S. M. SECREST.

Sworn to and subscribed before me.

[SEAL.]

J. W. STEEN, Notary Public.

WALTER BELK, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. Walter Belk; age, 26 years; Alton, N. C.

Q. What is your politics?—A. Republican.

Q. What is your occupation?—A. Teaching, up to this date.

Q. State if you have made an examination of the registration books of Union County since the election of 1898.

(Question objected to by contestee as being incompetent, for that the books themselves constitute the best evidence of their contents, and no reason has been shown why said books could not themselves be produced.)

A. I have.

(Answer objected to for the reason set forth in objection to question.)

Q. State in whose custody said registration books were at the time you made the examination.

(Question objected to by contestee as incompetent because of irrelevancy, and

because it is in regard to documentary evidence which is not here produced and for the nonproduction of which no reason has been assigned.)

A. They were in the custody of the clerk and the deputy clerk of Union County.

(Answer objected to by contestee for the grounds set forth in above objection to the question.)

Q. Can you give the number of duly qualified registered voters whose names appeared upon said books on election day in 1898?

(Question objected to by contestee as incompetent for the reason that, first, it calls for an answer for which there is documentary evidence for the nonproduction of which no valid ground has been assigned, and, second, for that it relates to new matter to which because of the limit set by law to his time for taking depositions contestee will have no opportunity to reply.)

A. I can.

Q. Please state the number.

(Question objected to by contestee as incompetent, for that it pertains to documentary evidence for the nonproduction of which no reasons have been assigned, and as it pertains to new matter to which because of the limit set by law to his time for taking depositions contestee will have no opportunity to reply.)

A. 5,218.

(Answer objected to by contestee for the reasons set forth in above objections to the question.)

Q. Of that number state, if you know from an examination of said registration books the number of voters whose names appeared upon said books, who actually voted in the election in 1898.

(Question objected to by contestee as being incompetent, for that it pertains to documentary evidence for the nonproduction of which no reason has been assigned, and that it pertains to new matter to which because of the limit set by law to his time for taking depositions no opportunity will be given contestee to reply.)

A. 4,016.

(Answer objected to by contestee as incompetent for the reasons set forth in the above objection to the question.)

Q. State the number of voters whose names appeared upon said registration books that failed to vote in the election in 1898 in Union County.

(Question objected to by contestee as incompetent because it relates to documentary evidence for the nonproduction of which no reason has been assigned, and pertains to new matter to which because of the limit set by law to his time for taking depositions the contestee will have no opportunity to reply.)

A. 1,202.

(Answer objected to by contestee as incompetent on the grounds assigned in above objection to the question.)

Q. You were one of the judges of election at your voting precinct, were you not?—

A. I was.

Q. State if the Democrats who were registered in that precinct all voted.

(Question objected to by contestee as incompetent for that it relates to documentary evidence for the nonproduction of which no reason has been assigned and pertains to new matter to which, because of the limits set to his time by law for taking depositions, the contestee will have no opportunity to reply.)

A. I can not testify to this, for I do not know them all; only one remained at home that I know.

(Answer objected to as incompetent for the reasons assigned in the above objections to the question.)

Q. Do you know Dave Blakeney, the colored man who testified here in this cause on yesterday?—A. I think I do.

Q. State his voting precinct, if you know.—A. Armfield precinct, Union County.

Q. Is that the voting precinct at which you were a judge of election at the election in 1898?—A. It is.

Q. State any violence that may have been offered to said Dave Blakeney by anyone on election day in 1898.

(Question objected to by contestee as incompetent for that it relates to new matter, to which, because of the limits set by law to his time for taking depositions, contestee will have no opportunity to reply.)

A. Philip Whitley refused to let him give a ticket to a negro that came with him to the election.

(Answer objected to by contestee upon the grounds assigned in above objection to question.)

Q. State, if you know, what became of the said Dave Blakeney after Philip Whitley refused to let him give a ticket to a negro.

(Question objected to by contestee as being incompetent for that it pertains to new matter to which, because of the limits set by law to his time for taking depositions, contestee will have no opportunity to reply.)

A. Within a short while he left the polls, but I do not know where he went. He did not come on the grounds again that day.

(Answer objected to by contestee as incompetent for the reasons set forth in the above objection to the question.)

Q. What was the attitude of Philip Whitley toward Dave Blakeney when he refused to allow him to give a ticket to the negro referred to by you?

(Question objected to by the contestee as incompetent for that it is in cross-examination of contestant's own witness, and that it is new matter to which, because of the limits set by law to his time for taking depositions, the contestee will have no opportunity to reply.)

A. He seemed to be very wrathful, and brought the matter to the board, and I spoke to him and to the people at large and told them it was a violation of the election law to try to force any man to vote a ticket they did not want to vote.

(Answer objected to by contestee as incompetent for the reasons assigned in the above objection to question.)

Q. State the politics, if you know, of Philip Whitley.

(Question objected to by contestee as incompetent for that it relates to new matter to which, because of the limits set by law to the taking of depositions, contestee will have no opportunity to reply.)

A. I think he is a Democrat. He voted the Democratic ticket in the election of 1898.

(Answer objected to by contestee for the grounds set forth in the above objection to question.)

Q. Do you know how Dave Blakeney voted in the election of 1898? If so, please state.

(Question objected to by contestee as incompetent for that it relates to a new matter to which, because of the limits set by law to his time for taking depositions, contestee will have no opportunity to reply.)

A. Republican ticket.

(Answer objected to by contestee as incompetent for the grounds set forth in the above objection to the question.)

Contestant insists that this question and answer is competent in corroboration of the statement of Dave Blakeney, who testified that he voted, on cross-examination, the straight Republican ticket; and contestant says that if this testimony is incompetent that contestee first let down the gap on his cross-examination of David Blakeney, and can not now be heard to complain.

Contestee insists that this evidence is incompetent, and is advised and believes that the rules pertaining to cross-examination are very different to those in regard to examinations in chief, but does not say upon this occasion whether the contestant is aware of that difference or not.)

Q. Do you know the general character of Dave Blakeney?—A. I think I do.

Q. What is it?—A. It is good, so far as I know.

Cross-examination:

Q. Who did you ever hear say Dave Blakeney's character was good?—A. I never heard anyone say that his character was good; neither have I ever heard anyone say that his character was bad; so I took it for granted that his character must be good. That is the best of my knowledge. I have only known him for a short while—about two years ago.

Q. How far does he live from you?—A. As near as I can say, it is two, three, or four miles.

Q. He lives on a different public road, and in what you would call a different neighborhood from you, doesn't he?—A. I think he lives on a different road, but in the same neighborhood.

Q. Which party—the Democratic on the one hand or the Populist and Republican party on the other hand—had a majority of the judges of election and registrars at the election in your precinct?—A. The Populist and Republican had a majority of one, but they all voted partially the Democratic ticket. I do not think they were true Populists, but they still held their name. I was the only Republican at the polls.

Q. Which party—the Democratic on the one hand or the Populist and Republican on the other—made a more thorough canvass of Union County in the campaign of 1898?—A. I think the Democratic did.

Q. So far as your information goes, did as many Republican speakers come to Union County to canvass the county last campaign as in previous campaigns?—A. Concerning the previous campaigns I know nothing, as I am only an infant in politics.

Q. Do you know, of your own knowledge, of any voter in Union County, or of any person having a right to vote in said county, having been prevented from voting in the election in 1898, held in that county, by reason of intimidation or any attempted intimidation?—A. Of my own personal knowledge I know of no case; but by hear-say there were several.

Q. Was there not considerable dissatisfaction among former Populists and Republican voters in Union County last campaign with Fusion rule with regard to local county matters, and also State matters?—A. Of my own personal knowledge, I can not say that I know of any dissatisfaction.

Q. Do you know, of your own knowledge, what sort of tickets, whether Fusionist or Democratic, Dave Blakeney offered James Doster?—A. I do not know of my own personal knowledge, but he told me that it was Republican. I know that he represented the Republican party down there.

Q. Do you know, of your own knowledge, whether or not James Doster, on election day in 1898, voted?—A. I do not remember that I can say positively whether he did or did not.

WALTER BELK.

Sworn to and subscribed before me.

[SEAL.]

J. W. STEEN, *Notary Public*.

R. W. A. ROGERS, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. R. W. A. Rogers; aged 57 years; Buford Township, Union County.

Q. What is your politics?—A. I am a Populist.

Q. State if you held any official position in the Populist party during the campaign of 1898 in Union County?—A. Chairman of the executive committee of Buford Township.

Q. What was the feeling among true Populists toward Col. Oliver H. Dockery, candidate for Congress in this district?

(Question objected to by contestee as incompetent for that it pertains to matters of feeling and not to acts and circumstances indicative to same, involves hearsay evidence, and is new matter to which, because of the limit set by law to his time for taking depositions, contestee will have no opportunity to reply.)

A. It was good.

(Answer objected to by contestee for reasons set forth in the objection above to the question.)

Q. What was your voting precinct in 1898?—A. Armfields precinct.

A. State any trouble or demonstration on the part of Philip Whitley against Dave Blakeney you may know.

(Question objected to by contestee as incompetent for that it relates to new matter to which, because of the limits set by law to his time for taking depositions, contestee can have no opportunity to reply.)

A. I heard Philip Whitley order Dave Blakeney off. He said: "Get away from here and let my tenants alone. I can attend to them myself."

(Answer objected to by contestee as incompetent for the grounds set forth in the above objection to the question.)

Q. What did Dave Blakeney do?—A. He left immediately; did not return that day.

(Question and answer objected to as incompetent, as being in regard to new matter to which, because of the limit set by law to his time for taking depositions, contestee will have no opportunity to reply.)

Q. What is the politics of Philip Whitley?

(Question objected to by contestee as in regard to new matter to which, because of the limit set by law to his time for taking depositions, contestee will have no opportunity to reply.)

A. He is a Democrat.

(Answer objected to by contestee for grounds set forth in above objection to the question.)

Q. What is the politics of Dave Blakeney?

(Question objected to by contestee as being new matter to which, because of the limit set by law to his time for taking depositions, contestee will be given no opportunity to reply.)

A. He is a Republican.

(Answer objected to by contestee for grounds set forth in above objection to the question.)

Q. Do you know the general character of Dave Blakeney?—A. I think I do.

Q. What is it?—A. It is as good as the average colored man.

Q. State the methods and character of the campaign waged by the Democrats in this county during the campaign of 1898 and the effect it had upon the colored voters?

(Question objected to by contestee as incompetent for that it relates to matters of opinion.)

A. It was the most bitter campaign I have ever heard. The colored voters were more frightened than in any previous campaign.

(Answer objected to by contestee for grounds set forth in objection to question.)

Q. Was it known that there were organizations known as Red Shirts in the district, and that Red Shirts would come into this county?

(Question objected to by contestee as incompetent, for that it relates to hearsay matter.)

A. I don't think it was known; it was just rumor and newspaper reports.

(Answer objected to by contestee for grounds set forth in objection to question.)

Q. What was the effect of rumors of the Red Shirts, as stated in the papers, upon the colored Republican voters of your township and county?

(Question objected to by contestee as incompetent, because relating to a matter of opinion rather than facts and circumstances indicative of the truth of those opinions.)

A. I have never heard them express themselves concerning the one thing—Red Shirts.

Cross-examination:

Q. You swore in your direct examination as to the attitude of true Populists toward Colonel Dockery. You don't mean to say that there was such a thing in last campaign as Populists who were not true, do you?—A. True Populists were Populists of course, and if they were not true they were not Populists.

Q. Were there, Mr. Rogers, many former Populists, last campaign, who either stayed at home or voted Democratic ticket last election?—A. There were, and I can name in our precinct I think about two that I know of—I meant two who stayed at home. There were several who voted the Democratic ticket.

Q. That was in your precinct?—A. Yes.

Q. Did many of the former Populists in your precinct at that election split their tickets?—A. Yes.

Q. Do you know of your own knowledge of any person in Union County having the right to vote, that person being a Populist or Republican, who was prevented from voting by force or intimidation offered him by Democrats?—A. No, sir; I don't know that I do.

Q. Does your township adjoin the South Carolina line?—A. Yes, sir.

Q. Do you know of your own knowledge of any Republican or Populist speaker having been prevented from speaking during last campaign because of force or violence offered him by Democrats in Union County?—A. I can't recollect of any.

Q. Do you know of your own knowledge of any Populist or Republican political meeting being broken up or disturbed by Democrats in Union County during that campaign?—A. None that I recollect of.

Q. Was there not quite an animated debate and great difference of opinion in the Populist convention in Union County as to whether or not there should be fusion with the Republicans last campaign?—A. I was not in the convention; was a witness at court; was in the court-house.

Q. Did not several of the former Populist leaders in Union County turn over to the Democrats last campaign?—A. I think it was reported that about three-thirds of them did. It was only reported by Democratic papers.

Q. Did any of the former leaders in that party turn over to the Democrats in that campaign?—A. Yes, I think there was some.

Redirect examination:

Q. You stated on your cross-examination that from the reports in the Democratic papers about three-thirds of the Populist leaders in Union County turned over to the Democratic party in the campaign of 1898. Now, as a matter of fact, were these statements in the Democratic papers true?

(Question objected to by contestee as being in regard to hearsay testimony which question of contestee did not call for, but which was offered voluntarily by witness.)

A. In a measure they were not. Just a few went over.

(Answer objected to by contestee as incompetent, for grounds set forth in objection to the question.)

R. W. A. ROGERS.

Sworn to and subscribed before me.

[SEAL.]

J. W. STEEN, *Notary Public*.

W. R. HUNTER, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. W. R. Hunter; aged 55 years; Monroe, N. C.

Q. What is your politics?—A. Republican.

Q. What is your calling in life?—A. Minister.

Q. Do you know the general character of Dave Blakeney?—A. I do.

Q. What is it?—A. It is good.

Cross-examination:

Q. Did you ever hear that Dave had two wives?—A. No, sir, I never heard anyone say he had.

Q. Do you know whether or not he ever lived with Abigail Blakeney?—A. Yes, he was living with her when I first knew him.

Q. Did they live together as man and wife?—A. I suppose they did; she went in his name.

Q. Do you know who he is living with now as his wife?—A. No.

Q. Are you a colored man?—A. I am.

Q. Did you vote in the last election?—A. I did.

Q. Do you know of your own knowledge of any person having a right to vote having been prevented from voting in Union County last election by reason of force or intimidation offered him by Democrats?—A. I do not.

Q. Were the colored voters in Union County, to your knowledge, disturbed in any of their political meetings last campaign by Democrats?—A. Not to my knowledge, there wasn't.

Q. Were any of the colored Republican speakers in Union County last campaign, to your knowledge, disturbed by Democrats?—A. They were not.

Q. Where do you vote?—A. I vote in Ward No. 2, in Monroe, N. C.

Q. You voted there last election?—A. I did.

Q. Did not quite a number of the colored voters in Monroe, N. C., at last election, vote the Democratic ticket?—A. Not to my personal knowledge.

Q. Did not fewer colored speakers, Republican in politics, come from a distance to address the colored voters of Monroe last campaign than you have ever before known in a political campaign?—A. I don't know of any one in this last campaign.

Q. They used to come, didn't they?—A. Yes, they have in former years.

Redirect examination:

Q. How long did you stay at the polls on election day?—A. I just stayed long enough to vote.

Q. State whether you take an active part in politics or not?—A. No, sir; I don't take any part at all any more than to hear the speakers.

Q. What was the feeling that existed among the colored people prior to the election in 1898?

(Question objected to by contestee as incompetent, for that it should have been offered in the examination in chief and that it pertains to a matter of feeling and opinion without calling for facts and circumstances upon which such feeling and opinion were based, so that it can not be judged whether such opinion or feeling was reasonable.)

A. I don't know that I can say, for I had very little conversation along that line; there may have been a little feeling on the day of the Tillman speaking, on account of the large procession.

Sworn to and subscribed before me.

W. R. HUNTER.

[SEAL.]

J. W. STEEN, Notary Public.

The notary taking these depositions overruled all objections to evidence made by contestee on grounds that he had no jurisdiction to decide, and that was a matter purely within the powers of Congress. Contestee duly excepted to all such rulings as to each of his said objections, and it was agreed by counsels for contestant and contestee that the entry should be made here to save space in copy sheets and time.

I, J. W. Steen, a notary public, resident in the Sixth Congressional district, North Carolina, do hereby certify that the foregoing are the depositions of G. W. Flow, D. S. Davis, C. J. Hudson, J. S. Hasty, C. R. Moser, Dave Blakeney, L. L. Fincher, S. M. Secrest, Walter Belk, R. W. A. Rogers, and W. R. Hunter, witnesses duly subpoenaed for contestant, taken before me in the cause of Oliver H. Dockery, contestant, v. John D. Bellamy, contestee, on the 17th and 18th days of April, 1899, in the town of Marshville, N. C., and that the questions proposed by the parties in said cause, together with the answers to the said questions and all records proposed to be made by either party, were reduced to writing by C. B. Adams, clerk, who was first duly sworn to true and correct entries make of said questions and answers and records, and that the same were reduced to writing in the presence of the said J. W. Steen, notary public, and in the presence of the parties in said cause; and that prefixed to said depositions is a true copy of the notice of contest and of the answer of the returned member, and that the notice of the taking of said deposition, together with the proof of service thereof and a copy of the subpoena served on said witnesses are prefixed to said depositions.

Witness my hand and notarial seal this the 18th day of April, 1899.

[SEAL.]

J. W. STEEN, Notary Public.

Notice to take depositions.

To JOHN D. BELLAMY,
Contestee, Wilmington, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Laurinburg, Richmond or Scotland County, N. C., before W. M. Kelly, notary public, beginning at 9 o'clock a. m., on Monday, the 17th day of April, 1899, and continuing from day to day if necessary. I will examine the following witnesses, namely: D. A. Patterson, A. H. Currie, D. H. Smith, Stewart, N. C.; W. H. Cox, J. H. McDuffie, Laurinburg, N. C.; W. W. Bullard, Fontcol, N. C.; M. L. Shaw, Laurinburg, N. C.; Henry Monroe, McNair, N. C.; Ernest Smith, Alex. Smith, Laurinburg, N. C.; Calvin McNair, McNair, N. C.; Jno. M. Graham, Conclave, N. C.; D. S. Monroe, McNair, N. C.; Wm. Johnson, Fontcol, N. C.

This the 8th day of April, 1899.

OLIVER H. DOCKERY,
Per OSCAR J. SPEARS, Attorney.

(Indorsed:) Received April 8, 1899. Served April 8, 1899. By delivering a copy of this notice to John D. Bellamy, contestee.

WALTER G. McRAE, Sheriff.
By OWEN FENNELL.

Pursuant to the annexed notice to John D. Bellamy, contestee, in the above-entitled cause of the taking of the depositions of testimony of the following-named witnesses for contestant at the town of Laurinburg, North Carolina, to wit, viz: D. A. Patterson, A. H. Currie, D. H. Smith, W. H. Cox, J. H. McDuffie, W. W. Bullard, M. L. Shaw, Henry Monroe, Earnest Smith, Alex. Smith, Calvin McNair, John M. Graham, D. S. Monroe, and Wm. Johnson.

I, W. M. Kelly, a notary public, resident in the Sixth Congressional district of North Carolina, under the authority of law conferred on me by section 110 of the Revised Statutes of the United States on the 17th day of April, A. D. 1899, in the town of Laurinburg, North Carolina, both Oliver H. Dockery, contestant, and John D. Bellamy, contestee, being present by their attorneys, proceeded to take the depositions of the following witnesses, for the contestant named in the aforesaid, to wit: D. A. Patterson, A. H. Currie, D. H. Smith, W. H. Cox, J. H. McDuffie, W. W. Bullard, M. L. Shaw, Henry Monroe, Earnest Smith, Alex. Smith, Calvin McNair, John M. Graham, D. S. Monroe, and Wm. Johnson, which said depositions are hereto attached.

Witness my hand and notarial seal this 17th day of April, 1899.

[SEAL.]

W. M. KELLY, Notary Public.

W. W. BULLARD, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. Name, W. W. Bullard; age, 60 years; residence, Spring Hill Township, Richmond County, N. C.

Q. Were you registered for the election of 1898 in Spring Hill Township; and if so, did you vote?

(The contestee objects to the foregoing question, and objects to the contestant's asking this witness or any other witness any question bearing upon the election in the county of Richmond during the year 1898, for that the contestee herein did not deem it necessary to introduce any evidence in reply to that brought out by contestant on the original hearing hereof, and it is not competent for the contestant to take other and further testimony bearing on the election in this county.)

Counsel for contestant protests against the objection, and insists that this is a competent and material question, and that the evidence of this witness will tend to rebut the evidence of the contestee himself in this case, wherein he swore or attempted to swear, when examined as a witness for himself, that no intimidation was practiced by the Democrats during the campaign of 1898 in any of the counties of the Sixth Congressional district.)

Q. I reckon I was registered, but I did not vote. I was registered there two years ago.

Q. Had you have voted, did you intend to vote for contestant or contestee in this case?—A. I intended to vote for Dockery, the contestant.

Q. What were your reasons for not voting, if any?—A. I had several reasons. I was advised not to go to the election. I did not go on account of the way they tore up my family.

Q. Who advised you not to go to the election?—A. William Johnson, for one. My brother came over there and did not want me to go to the election.

Q. Is Mr. Johnson a prominent Democrat in your community?

(Contestee objects to this question for the reason that it is leading.)

A. He is.

Q. Did or did not Mr. Johnson give you any reasons for advising you not to go to the election?

Q. (By Contestee.) Where is Mr. Johnson?—A. He lives about 3 miles from me in this county, and about 10 miles from where this testimony is being taken.

(Contestee objects to the foregoing question for the reason that it is not competent to prove by this witness matters of evidence peculiarly within the knowledge of William Johnson, who is now living and in this county.)

A. He made remarks that he did not want me to go; that he was a good friend of mine, and went on to say that he could protect self but could not protect cold-blooded murder; that it would not do for me to go out to the election to work. I met Mr. Johnson on the road, and also went home and found my family all upset on account of what he had told them, and I also found my brother there and he did not want me to go.

Q. Were you a candidate for any office in Richmond County in the election of 1898; and if so, what party or parties was you the candidate of?—A. I was a candidate of the Fusion party, Populist and Republican.

(Contestee objects to the answer immediately preceding the last one for the reason that it involves hearsay, and for further reason that his family is living and could be here to testify.)

Q. What were the conditions prevailing among the colored people of your community for some days just prior to the election of 1898?—A. They were badly upset, and uneasy and scared.

Q. Do you know of your own knowledge what caused this uneasiness and fear among the colored people of your community just at that time?—A. It was this whipping and raiding around, the best I can answer, in the nighttime. I could not say who it was.

Q. Is it not a fact, and if not of your own knowledge, have you not sufficient information to convince you that it is a fact that the intimidation practiced by the Democrats or Red Shirts throughout your community just prior to the election of 1898 prevented many Republican voters from registering, caused many of those who had registered to have their names erased from the registration books, and prevented numbers of those who had registered from going to the polls and voting as they desired to do?

(Contestee objects to this question because it is suggestive, because it is leading, and because it assumes that a condition existed as a mere matter of opinion, without facts being adduced to prove the actual existence of a certain state of affairs.)

A. I am satisfied that there was many kept away by it.

Cross-examination:

Q. For what office were you a candidate in the election of 1898?—A. County commissioner.

Q. What duties devolve upon the board of county commissioners when they are elected and inducted into office?—A. The business of the county.

Q. How many were on the ticket with you?—A. Two others, Mr. J. M. Hines and J. W. Butler. Mr. Butler was postmaster at Hoffman, which at that time had possibly about 100 people, and was not incorporated at that time, and was in at Mr. Blue's store, and I think Blue's stock runs up as high sometimes as a thousand dollars.

Q. Is it not a fact that the board of county commissioners have complete charge of the finances of the county?

(Question objected to for the reason that it is irrelevant and immaterial and not germane to the issue.)

A. I am not posted on all that; I think they have it, but I am not posted.

Q. What was the tax levy in the year 1897 in the county of Richmond for State and county purposes?

(Question objected to by counsel for contestant because it is irrelevant, incompetent, and immaterial and can possibly have no bearing on this case.)

A. I pay no attention to such things; I hardly ever notice them.

Q. Don't the board of county commissioners levy the taxes and say what they should be?

(Question objected to for the reason that it is incompetent, irrelevant, and immaterial.)

A. I am no commissioner, and have never paid any attention to it.

Q. Can you tell me what the tax levy ever was in Richmond County?—A. I can not; I pay no attention to it.

Q. About what was the size of the county of Richmond in 1898?—A. I can not tell the size of county; I think it is about 70 miles long and about 25 or 30 miles wide.

Q. Is it a thickly settled county?—A. The upper end and the lower end is pretty thick, and the middle has nobody hardly on it.

Q. What book is this now exhibited to you?—A. Annual report of the auditor of State of North Carolina for the fiscal year ending November the 30th, 1898.

Q. Please state from this book, if you can, the valuation of taxable property, both

real and personal, in Richmond County in the year 1898.—A. Two million seven hundred and fifteen thousand six hundred and thirty-eight dollars.

Q. If you had been elected county commissioner how would you have ascertained what taxes and the amount to be levied on the property of the people?—A. We would have had to posted ourselves. A man that is not in office does not study these things.

Q. From what source would you have posted yourself?—A. We would have had to have gotten together and examined the records and posted ourselves as to how it was done heretofore.

Q. What record would you have examined to have posted yourself?—A. State and county, and so on.

Q. What sort of information would you seek?—A. We would first have to find out how things had been carried on and what shape they were in and how they had assessed.

Q. Suppose you did not have access to the tax levies of your predecessors, what data would be necessary for you to have in order to ascertain how much per hundred should be levied on taxable property?—A. I do not know hardly; we would have to go at it by guess, sorto like a man who goes in the field to plow his first furrow.

Q. Suppose you were furnished on the first Monday in December, 1898, with all the lists of the various list takers in the county and their returns; what other data would you need in order to show and ascertain what per centum per hundred should be levied?—A. I believe all boards of county commissioners has an attorney to lead and instruct them.

Q. Would it be necessary for you to have the assistance of an attorney in which law points were not involved?—A. I think it would be necessary in the start to have one. You can not expect to take a man from the cornfield and put him to practicing law.

Q. Who, in a county, has anything to do with disbursing its finances except the county commissioners?—A. I think the county commissioners are the proper power, but they always have an adviser.

Q. What length of time have you been to school?—A. I could not tell that; I suppose I went two or three years, but the schools were poor schools.

Q. Can you work fractions now?—A. No, sir.

Q. Could you work a problem in partial payments?—A. No, sir.

Q. What were your taxes in the year 1898 or 1897 on property, the title to which is in your own individual name?—A. I have none in my own name.

Q. How much taxes did you pay on property in the name of your wife or children?—A. About thirteen or fourteen dollars.

Q. Who did you vote for for governor in 1896?—A. In 1896 I voted for Wm. A. Guthrie, and O. H. Dockery for lieutenant-governor.

Q. Dockery ran for lieutenant-governor on the Populist ticket, in 1896, did he not?—A. That is my understanding.

Q. Are you a silver man or a gold man?—A. I am for silver.

Q. Is the Republican party for the gold standard or the silver standard?—A. They declared for the gold standard, I believe.

Q. Would you have voted for Colonel Dockery for Congress if you had known that he would go there, and, instead of voting for silver, go into the Republican caucus and be bound by a declaration for gold, which he now declares he would do?—A. Dockery claims to be a free-silver man.

Q. Please answer my last question.—A. I would vote for Dockery instead of Bellamy.

Q. Please answer my question.—A. Yes.

Q. Will you swear that there is another Populist who has so little regard for his political principles that he would vote for a man on this great money question if he knew that he would turn traitor as soon as he reached the hall of Congress? If so, please name that Populist.

(Question objected to by counsel for contestant for the reason that it is irrelevant, immaterial, and incompetent, and for the further reason that it can possibly have no bearing on this case.)

A. I do not know what other Populists would do.

Q. Did you go to the polls the day of the election?—A. No.

Q. Were you afraid to go to the polls?—A. I can not say that I was, but I expected to be insulted if I did go.

Q. How many negroes or white people were whipped in Spring Hill Township, or molested or injured during the campaign of 1898?—A. I do not know of any being whipped, nor any killed that I know of. There was a good many that was scared to go to the polls. I think McNeill did not go; I think Lee Ratliff, Ben McLaughlin, and Joe Gilchrist, and others—I can not call their names.

Q. Was it not a peaceable, quiet election at Spring Hill on that day?—A. I was not there.

W. W. BULLARD.

Sworn to and subscribed before me this 17th day of April, 1899.

W. M. KELLY, *Notary Public*.

D. H. SMITH, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. Name, D. H. Smith; age, 44; Stewartsville Township, Richmond County, N. C.

Q. Were you chairman of the board of registrars in Stewartsville Township, in precinct No. 2, in the election of 1898?—A. I was.

Q. Did any colored voters request and have their names erased from the registration books on the second Saturday preceding the election, or the Saturday before the election; and if so, about how many?—A. Yes, sir; there was a good many; I suppose about fifty had their names taken off.

Q. Did or did not you hear any of these colored voters state their reasons for having their names erased from the registration books; and if so, what was their reasons?

(Contestee objects to the foregoing question, and in order to test his competency asks the witness this question: Where are those parties now who told you why they had their names taken off the books?)

A. I do not know where they are now; I have not seen many of them since; I suppose some of them are still living down there. I heard one of them say he was scared to have his name on the book. A colored man brought a list asking for the names of a number of colored people's names to be erased who did not appear there themselves.

(Contestee objects for the reason that the question is leading and suggestive, and because it is not shown by contestant that said witnesses are either dead or beyond the jurisdiction of the court.)

Q. Were any Red Shirts present at the polling place in your precinct on election day, and were they in and about the polls while the ballot was being taken?—A. Yes.

Q. Do you remember the night that Republicans and Populists were advertised to speak at Tanyard schoolhouse?—A. Yes, sir.

Q. Were you there that night?—A. Yes, sir.

Q. What kind of a crowd was there that night?—A. There was a right good crowd of men there with red shirts on; I suppose they were Democrats.

Q. What was the general behavior of the crowd there that night?—A. It was pretty bad, I thought.

Q. Did the Republican candidates speak? And if not, do you know why not?—A. They did not speak; I do not know why they did not.

Q. Did you hear any of the Red Shirts say what their business was there on that night?—A. Yes; I heard some of them say that they came there to stop that speaking.

Q. Were the Red Shirts present on that occasion armed?—A. Some of them were.

Cross-examination:

Q. You attended the polls on the day of the election?—A. Yes, sir.

Q. Was it not a peaceably conducted election on that day?—A. The most of it was; there was a little disturbance; it did not amount to much, and no one was deferred from voting on that account as I know of.

Q. In your opinion would the Populists have supported Colonel Dockery for Congress if they had known that he was going in the Republican caucus, and abide by its actions on the money and other questions?—A. I expect they would; it seems that money was not the issue in the last campaign.

Q. What was the issue; was it not white supremacy?—A. Yes, sir; it was that and the Red Shirts and Winchesters.

Q. What side was Colonel Dockery on?—A. I heard him make one speech, and he said he was for white rule.

D. H. SMITH.

Sworn to and subscribed before me this 17th day of April, 1899.

[SEAL.]

W. M. KELLY, *Notary Public*.

W. H. COX, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. W. H. Cox; 31 years of age; Stewartsville Township, Richmond County.

Q. Were you one of the registrars in the election of 1898 in Stewartsville Township, in precinct No. 1?—A. I was.

Q. Did any of the colored voters who were registered or did register during the election of 1898 have their names erased from the registration books? And if so, about how many?—A. A considerable number had their names erased; there were 230 or 240 registered, and I think near 100 had their names erased.

Q. Do you know the colored voters' reasons for having their names erased from the registration books?—A. I know what some told me; some told me they were afraid to leave their names on the book and try to vote for fear they would be whipped; they had various reasons for it, some saying that they had or would give them passes, and when the Red Shirts would come all they had to do would be to show them their pass and they would not be whipped. The most of them said the reason that they had their names taken off the book was because they would be whipped; several told me they were offered money, and when they refused the money was afterwards forced to take their names off under threats of being whipped.

(Contestee objects to the foregoing answer for the reason that it is not competent for witness to state what anyone told him unless contestant shows first that such person is either dead or sick and unable to travel or is beyond the jurisdiction of the court.)

Q. Did or did not a general state of lawlessness exist throughout this community for several days prior to the election of 1898?—A. There did.

Q. What were the conditions prevailing among the colored population of this community for some days and nights prior to the last election?—A. They were simply terrible. I have been informed by some of the leading colored men that but few of them slept in their own houses, and several were whipped, and severely whipped, they said, because they taken a part in the election.

(Contestee objects to the foregoing answer for the reason that witness does not state what he knows to be facts, but just from hearsay.)

Q. What brought about this condition of terrorism among the colored people?—A. I suppose it was their loyalty to the Republican party.

(Contestee objects to witness stating what he supposes.)

Q. Were not many acts of violence committed upon the colored voters of this community just prior to the election of 1898, by supposed bands of Red Shirts riding over the country in the nighttime?

(Contestee objects to the foregoing question for the reason that it is leading and suggesting.)

A. There was; I have heard the Democrats brag about it since the election, some saying they did not care whether Bellamy got his seat or not—that it was the State they were after.

Q. Did you make any campaign speeches during the campaign of 1898?—A. I made some three or four in the upper end of the county, but none in this end, and on one occasion I was told by a leader of a crowd in red shirts that I should not speak.

Q. Were you at Masons Cross on the day the Republican county candidates were to speak there? And if so, did they speak? And if not, do you know their reason for not speaking?—A. I was there, and they did not speak for the reason that they were told that they should not speak; that they were going to have no Republican speeches in the lower end of the county. I offered to speak there, after being accused of making incendiary speeches over the county, but was told that I should not speak, and there was no more speeches made by the Republicans in this end of the county.

Q. Were you in the town of Laurinburg on the Sunday that the chairman of the Republican executive committee of Richmond County was ordered to leave that town and not return until after the election; and if so, did the crowd that waited on him appear to be an organized body of men?

(Contestee objects to the foregoing question for the reason that it is leading, suggestive, hypothetical, and otherwise objectionable.)

A. I was here on that Sunday, but I think the organization had taken place before that, for I saw them mustering forces on the streets. The chairman was here on that day on a little business, and acted a gentleman throughout the day. We were followed by two of these men, who afterwards came in and reported that we were out meeting negroes on that day, when, in fact, such was not the case, for we went to see Mr. Davie Patterson. He (the chairman) was ordered to go on that train and not return here until after the election was over, and they told him they would attend to him if he did return before it was over.

Q. Do you know whether or not there existed in the town of Laurinburg during the campaign of 1898 a secret and sworn organization composed of Red Shirt Democrats?—A. I do not know of my own knowledge. I heard there was a secret organization. I do not know nor have I heard whether they were sworn or not.

(Contestee objects to so much of the foregoing answer as is hearsay.)

Q. During the campaign of 1898 did or did not you hear certain Democrats boasting about how they were going to carry the election of 1898?—A. I heard them say they were going to carry it in spite of hell. They did not tell me how, and I heard one man say they wanted him to enter a crowd to do some whipping or something on that night, and he told them he did not want any blood on his hands, and in this

meeting they told him to take a back seat; that he was not the man they were looking for.

(Contestee objects to the foregoing answer for the reason that witness has no right to speak of what he heard without giving names, times, and places, so as to give contestee a fair opportunity to reply to the correctness thereof.)

Q. Is it not a fact that the intimidation practiced by the Democrats throughout this section of Richmond County for some days prior to the election of 1898 prevented all or practically all the colored voters from going to the election and voting or offering to vote?

(Contestee objects to the foregoing question for the reason that it is leading and suggestive.)

A. I think there is no doubt about it.

Q. On the evening and night prior to the election and on the morning of the election were not all the stores and other business places closed up in this town, and did it not have the appearance that a general insurrection was about to take place?

(Contestee objects to the foregoing question for the reason that it is leading, suggestive, and assumes a condition of affairs which has not been proved to exist.)

A. The signal was given at 4 o'clock on the evening before the election, by the firing of a cannon, for the Democrats to have on their red shirts, and the appearance was a general run over by the Democrats of the Republican voters.

Q. Did you go to the polls on the morning of the election?—A. I did, and voted.

Q. What was the general appearance of the crowd that surrounded the polls here on the morning of the election?—A. It looked like a general run over of the Republican voters. I went to several colored men and tried to get them to vote, and they said they were afraid to and would not vote. I saw two colored men come up and vote and they were told, or asked, by a man with a red shirt on, their names and where they lived, which they pretended to take down, and told them that they would see them later.

Q. Did you remain in Laurinburg all day during the election day?—A. I did not.

Q. Why did you leave?—A. I left for two reasons; one was that I was afraid I might get hurt by somebody drunk or drinking, and the next was to evade signing returns of an election that was no election.

Q. What is your occupation?—A. I am an attorney at law, and a United States commissioner.

Q. Are you acquainted with John W. Butler, J. M. Hines, and W. W. Bullard, the Fusion candidates for county commissioners in Richmond County for the election of 1898; and if so, would you consider them competent to manage the affairs of the county?—A. I am acquainted with them, and do consider them as thoroughly competent as the present Democratic board.

Cross-examination:

Q. Would you consider a man who had lived to be 60 years old, who had never met with reverses in finance, and who had not amassed a dollar's worth of property capable of running the finances of Richmond County, in which over three millions of dollars of taxable property are involved?—A. They say there is only one man who is running the county now, so far as the commissioners are concerned. The man you speak of, with the aid of others, I think would manage very well.

Q. What time did you leave here on day of election?—A. I left here on the 9 o'clock train.

Q. What men did you see under the influence of liquor before you left here?—A. I saw one by the name of Tatum, and several others that I did not know their names, they not being residents of this town, and I understand, and have heard since, that there was a good many drunk in the afternoon of election day.

(Contestee objects to so much of the foregoing answer as is hearsay and not responsive to the question.)

Q. Did you have any conference with Republicans prior to day of election as to what you should do about signing your returns?—A. None whatever, that I remember of; I used my own discretion.

Q. How long have you been a Republican?—A. I joined the Republican party, I think, about September, 1898. More than a dozen negroes have told me why they had their names erased from the registration books. I recall the following names: Jack Stubbs, John McRae, Will McRae, Willis Chambers, and others, but can't recall them just now; there were some that I do not even know.

Q. Tell me what unlawful acts you saw during the campaign.—A. I saw men carrying arms, was one thing—men getting in their buggies to go and prevent Republicans from speaking, armed with Winchester rifles. This is all, I believe, that I saw.

Q. Give me the names, the times, and places where you saw this.—A. I saw this the day we were to speak at Masons Cross; I will call no names.

Q. Did you see anybody harmed at Masons Cross; if so, what were they harmed with?—A. I saw rifles (one or more) put in buggies here, and men go to where this speaking was to be, and I got in a buggy and followed them.

Q. Will you testify that you saw two rifles at Masons Cross, or one rifle at Masons Cross, or how many rifles did you see?—A. I saw no rifles at Masons Cross, but saw men there that left here with them in their buggy. I never saw but two leave here who had rifles that I saw out there.

Q. You went out there and came back, did you not, unhurt?—A. Yes; but I was cursed some.

Q. State of your own knowledge what lawlessness existed throughout this community several days prior to the election of 1898.—A. None came under my personal observation until the day of election, when I saw men who were told that it would be best for them not to vote. Most of the lawlessness that prevailed prior to the election was in the nighttime.

Q. What is the general character of old Jack Stubbs, the man to whom you referred in your evidence?—A. Jack's character is bad; but under the law he was entitled to vote.

Q. Do you know of your own knowledge why any of the negroes who were whipped were whipped?—A. I do not.

Q. Who are the most prominent colored Republicans around here?—A. M. L. Shaw and W. P. Evans, and several others that I do not recall just now.

Q. Were those who were whipped whipped before the election or afterwards?—A. Before the election.

Q. In your direct examination the following question was put to you, to wit: "Were not many acts of violence committed upon the colored voters of this community just prior to the election of 1898, by supposed band of Red Shirts riding over the country in the nighttime?" to which question you made answer, "There was." Is it not a fact that so far as the foregoing is concerned you are swearing to hearsay and not what you know yourself?—A. Yes; it is hearsay, as I have heard the parties say so themselves, and I saw the marks on one that he said was put on by them.

Q. What leader of Red Shirts told you that you should not make a speech?—A. W. F. Gibson, who said that he was made spokesman by this crowd at Masons Cross.

Q. What Democrat did you hear say they were going to carry the election in spite of hell?—A. I won't say who; I heard more than one.

Q. Is it not a fact that a great quantity of the best men in social life and business life in this part of the county wore red shirts, to wit, bankers, merchants, lawyers, doctors, mechanics, and farmers?—A. A great many of our best men did wear red shirts, some of them did not, and I think that our best men wore them for the purpose of getting other men to engage in all sorts of devilment that they would take no hand in themselves.

Q. Did you ever see this cannon to which reference has been made in your direct examination? If so, state the size of it.—A. Yes; I have seen it. I suppose it would weigh about 100 pounds, with about a three-quarter or an inch bore, and can be heard some 5 miles. It's a powder cannon, and I suppose it would shoot a bullet if one were put in it.

Q. How many times did it shoot the evening before the election?—A. I am not certain, but think it was fired one time at 4 o'clock, as a signal to put on their red shirts and close their business.

Q. In what respect was there any appearance of a general run over of the Republicans by the Democrats on the day before the election?—A. In the wearing of red shirts and, on day of election, going to Republican voters and telling them it would be best for them to stay away from the polls, and on the night before the election I have heard that a good deal of riding over the country and firing off firearms was indulged in by them.

W. H. Cox.

Sworn to and subscribed before me this 17th day of April, 1899.

[SEAL.]

W. M. KELLY, *Notary Public*.

A. H. CURRIE, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. A. H. Currie; age, 38 years; residence, Richmond County, Stewartsville Township.

Q. Were you an election officer at precinct No. 2 in Stewartsville Township in the election of 1898?—A. I was; I was one of the judges of election.

Q. Did you observe any intimidation being practiced there that day by Democrats against the election officers and Republican voters? If so, state the nature of the intimidation.—A. All the Democrats had on red shirts. There were two or three men there from South Carolina with red shirts on that stood around the boxes and took the names of all the negroes that were voting the Republican ticket and telling them they would see them that night. They would ask them where they lived. There was one white man that thy cursed and abused for wanting to vote for D. A. Patterson; told him if he did not get off in five minutes they would black him and make a damned nigger of him.

Q. Were any threats made by prominent Democrats there that day of tearing up the election if the election officers allowed a certain colored man who was duly registered to vote?—A. There was one nigger that they did not want to vote. They tried to get him to vote the Democratic ticket, and whenever he refused they came to the polls and said his age was wrong, and that he had no right to vote, and they would not let him vote. I told them it was left with the judges of election, that they had nothing to do with it, and they said they would show me that this was not right and that they would not allow him to vote there on that day. The two Democratic judges then said they was not willing for him to vote; they did not think he was entitled to it, and that if outsiders opposed we had better put him off. I told the nigger then to go off and come back in an hour or two and we would see if they would not let him vote, and they would not let him vote.

Q. From what you know of your own knowledge, what was the conditions existing among the colored population of your community for some days and nights prior to the last election?—A. They were scared. After they whipped Jess Graham and killed that negro up here they would not stay in their houses at night. Those who were on my place would not; they lay out and were afraid to sleep in their houses.

Q. What produced this reign of terrorism among the colored people in your community?—A. The Red Shirts with the rifles and guns made two trips through my place and around through the neighborhood just before the election. There was one lived right near me. He would be talking to them and shooting his rifle around about them, and telling them about what they were going to do to them and how many rifles they had bought.

Cross-examination:

Q. Do you swear that all Democrats at your polling place had on red shirts?—A. There was not exceeding a half dozen Democrats there that day about the boxes but what had on red shirts. The best men in our precinct did not have on red shirts.

Q. Did Mr. Bob Covington and Mr. Jim McRae have on red shirts?—A. I think they did. The white man they cursed and abused was Mr. Spivey. He was about 70 years old.

Q. Did you see Red Shirts around with rifles and guns?—A. Yes; on the evening before the election I saw between 50 and 75 riding over the country shooting and hollering and making it as damnable as they could.

A. H. CURRIE.

Sworn to and subscribed before me this 17th day of April, 1899.

[SEAL.]

W. M. KELLY, Notary Public.

D. A. PATTERSON, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. Daniel A. Patterson is my name; age, 40; residence, Richmond County, Stewartsville Township, N. C.

Q. What is your politics?—A. Populist.

Q. Were you a member of the State senate from this district in 1897 and 1898?—A. I was.

Q. Were you a candidate for the lower house of the legislature in the election of 1898; and if so, what party or parties were you the candidate of?—A. I was a candidate for the Fusion party.

Q. As such candidate, did you make a canvass or a partial canvass for that party during the campaign of 1898?—A. I canvassed part of the county.

Q. In making this canvass, or at any other time before the election, or on the election day, did you see or observe any intimidation being practiced by the Democrats on Republican and Populist voters? If so, state as near as you can the nature of the intimidation, when and where it was practiced, and how it was practiced.—A. I saw some on election day. I saw voters met at the polls by Democrats (Red Shirts) and warned not to vote, and their names were taken down and were told if they did vote the Fusionist ticket that they would be waited on that night or at some other minutes to leave, and I advised them to leave rather than have any fuss, knowing that there would be if they did not leave; and there was another that I recollect who was challenged that day and not allowed to vote, and there was other instances; I can not recall them now.

Q. Did you have appointments to speak in Richmond County that you did not fill; and if so, why did you not fill them?—A. Yes, I had appointments that I did not fill. I was informed and believed that blood would be shed if we did fill them.

Q. What were the conditions existing among the colored people of your community just prior to the election of 1898?—A. It was pitiful in the extreme, I should consider it; I don't remember ever having seen such excitement, and I remember the close of the late civil war.

Q. What produced and brought about this terrorism and excitement among the people at that particular time?—A. It was a mob of men wearing red shirts, shooting and parading over the country, making threats, whipping niggers, and killing in some instances—there were some killed at that time, I can not say who killed them.

Q. Was the election at your precinct in 1898 a free and fair expression of the will of the people, or was it anywhere in the neighborhood of a free and fair expression of the will of the people?

(Contestee objects to the foregoing question for the reason that it involves a proposition and conclusion of law, and contestee asserts that as to whether or not there was a fair expression of the people is dependent upon facts and not on the opinion of this witness.)

A. It was not.

Q. During the campaign of 1898, or on election day, did or did you not hear Democrats boasting as to how they intended to carry this election?—A. I did; I heard them boasting that they were going to carry it. I saw in the newspapers, and heard it from speakers, and I heard individuals say they were going to carry it, peaceably if they could, and if not, they were going to carry it anyway.

Q. Is it not a fact, and if not, of your own knowledge, have you not information that convinces you that it is a fact, that the intimidation practiced by the Democrats throughout this community during the campaign of 1898, and especially that practiced by them just prior to the election, prevented many Republicans and Populists from registering and caused many of those who were registered to have their names erased from the registration books, and prevented numbers of those who were registered from going to the polls and voting as they desired to do on election day.

(Contestee objects to the foregoing question for the reason that it is leading or that it is suggestive, calls for hearsay, and asks for the opinion of the witness.)

A. Yes; it is a fact; there is no doubt about it. There is numbers of them who would not register on that account. A large number of them had their names erased, thinking, so some of them told me, that it would be a protection to them, and others did not go at all because they were afraid.

Cross-examination:

Q. What officers were voted for in the election of 1898?—A. Judges of the supreme court, judges of the superior court, member of Congress, State senator, member of the house of representatives, clerk of superior court, sheriff, register of deeds, county commissioners, justices of the peace, township constable, solicitor, and coroner.

Q. Which one of the foregoing offices would you support, work for, and vote for a negro to fill?

(Question objected to for the reason that it is irrelevant, incompetent, and immaterial, and could not possibly have any bearing on this case.)

A. None of them.

Q. Would you vote, work for, and support for office a white man who you absolutely knew would support a negro for any of the foregoing offices?—A. That depends upon the platform and principles he represented.

Q. Suppose you knew he would carry out the principles of your party and support a negro for one of those offices, and another man behind the same thing in political principles and run on the same platform and he also belonged to your party and declared that he would not vote, support, or work for any negro to hold any of the foregoing offices, and both men had the same force of character and were held by you in the same esteem, which would you vote for?—A. Believing that it is to the negroes' best interest not to hold political offices, I would not vote for the man who would vote for the negro.

Q. Please give the names of the voters you saw who were met at the polls by Democrats, and were warned not to vote, and give the names of the Democrats.—A. The following voters I saw met: Charles Brvington, Jim Bethar, and an old white man by the name of Spring, and numbers of others whose names I do not remember. As to the Democrats, there were two from South Carolina, or said to be, who took down the names of several of the voters and warned them not to vote. Mr. James P. McRae, A. McL. McRae, and Walter McEachin, and I suppose 45 or 50 others was around there, Mr. McEachin cursed me; I do not think he would have done it had he been sober.

Q. Are you acquainted with the general character of Mr. James P. McRae, Mr. A. McL. McRae?—A. Outside of politics they are held as men of good characters, but I did not hold with the way they done on that occasion.

Q. Did you see any fussing there on day of election?—A. There were men cursed on account of the way they voted, both white men and colored; I advised one man to leave, especially.

Q. With reference to your speaking, what is the longest speech you ever made in your life?—A. I never made a speech in my life, but sometimes I made a little talk about five or ten minutes long.

Q. How old were you at the close of the civil war?—A. I was about 5 or 6 years old.

Q. How many Federal soldiers did you see, and when and where did you see them?—A. They were passing our place for a day or two. I saw a good many of them.

Q. Did they commit any depredation in your neighborhood?—A. They took my father's stock, the horses and mules.

Q. Would you have recollected it if you had never heard it mentioned?—A. Yes; I will never forget it as long as I live.

Q. Do you undertake to tell the notary, notwithstanding the fact that you were only 6 years old at the close of the civil war, that you have a distinct recollection of how your three neighbors were affected by the civil war?—A. There was great excitement at our house.

Q. How many negroes were whipped in your neighborhood during the campaign of 1898, say within 5 miles of where you live?—A. About four or five, and in the county of Richmond three were killed. I do not know what they were killed for.

Q. You state that during the campaign you heard speakers and individuals say they were going to carry the election peaceably if they could, and if not peaceably that they were going to carry it anyway. Did you not hear good white people say in substance that the Fusion combination had brought upon us such an intolerable condition that they were bound to carry the election?—A. Yes; I have heard white people say so.

Q. Did you ever hear Mr. G. B. Patterson, your brother, make a political speech?—A. Yes; he was a candidate for the house from Robeson County, and was elected, and the influence of Red Shirts, and especially those from Gibson Station, helped elect him.

Q. What did he say about the condition of affairs in North Carolina?—A. Of, well, he talked up his side the best he could, and made the usual Democratic speech.

Q. What did your brother say about white supremacy?—A. I do not remember hearing him saying anything about white supremacy; he was talking about Dr. Norment more than anything else.

Q. Granting the fact to be that Mr. J. M. Hines, your candidate for county commissioner, is a thoroughly honest man from what you know of his habits and his ability, would you be willing to intrust to his management alone a business matter by the year in which you had so much as \$5,000 invested?—A. Mr. Hines lives in the extreme upper end of the county, and not being intimately acquainted with him, I would have to know more about him before I would intrust him with that much, he or any other man.

Q. Did you vote for him?—A. I did; I nominated him for commissioner.

Q. Then you nominated a man for commissioner and voted for him to handle the finances of the county with between three and four million dollars of taxable property when you did not know him well enough to intrust your private affairs with him to the extent of \$5,000?—A. I believe him to be an honest man, and with the assistance of the balance of the ticket they would have conducted the affairs of the county economically.

Sworn to and subscribed before me this 18th day of April, 1899.

D. A. PATTERSON.

W. M. KELLY, Notary Public.

D. A. PATTERSON, recalled:

Q. Prior to the election, 1898, did you receive a letter through the mails, containing this picture and paper writing? [Here counsel for contestant exhibited to the witness the picture and paper writing.]—A. Yes; I received them, and these are they. [Here counsel for contestant asked that they be marked Exhibits A and B, and be made a part of this deposition.]

Cross-examination:

Q. Please take the Exhibit A and see if you find the following words on it: "Negroism put down and white government sure."—A. I find those words on there.

Q. Do you find any other words on there except those, indicative of the issues before the people of 1898?—A. No, I do not; that is what the Democrats claim.

Redirect:

Q. In what way does the picture in Exhibit A indicate that the Democrats intended to put down negro rule and establish white supremacy?—A. It looks like it might be with Winchester.

D. A. PATTERSON.

Sworn to and subscribed before me this 18th day of April, 1899.

[SEAL.]

W. M. KELLY, Notary Public.

M. L. SHAW, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. Name, M. L. Shaw; residence, Stewartsville Township, Scotland County, formerly Richmond County; age, 40 years.

Q. Were you duly registered for the election of 1898 in precinct No. 1 in Stewartsville Township?—A. I was.

Q. Did you vote in the election of 1898?—A. I did not.

Q. What is your politics?—A. Republican.

Q. Why did you not vote in the last election?—A. I went away. I was not here.

Q. Why did you leave here?—A. I was afraid.

Q. What were you afraid of?—A. Some one, I do not know who, broke in my house.

Q. How long before the election was your house broken into?—A. I think it was the 1st day of November, 1898; the morning that Phil Dudley was killed.

Q. About what time did you leave here; where did you go, and how long did you remain?—A. I left here on the 2d day of November; I went to the State of New Jersey; I stayed there about two months.

Q. What was the condition prevailing among the colored people in your community at the time you left here?—A. They all seemed to be badly scared, like I was.

(Contestee objects to so much of the foregoing answer as to what seems to be.)

Q. What produced this state of fright and terrorism among the colored people at that particular time?—A. The Red Shirts.

Cross-examination:

(Contestee's counsel being asked if he desired to cross-examine the witness stated that he did not.)

M. L. SHAW.

Sworn to and subscribed before me this 18th day of April, 1899.

[SEAL.]

W. M. KELLY, Notary Public.

HENRY MONROE, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. Henry Monroe is my name; I live in Richmond County, Laurel Hill Township, N. C.; my age is 58 years old.

Q. Were you at Lower Laurel Hill precinct at the last election on day of election?—A. Yes, sir.

Q. Were the polls at that precinct surrounded by Red Shirts on that day, or were the Red Shirts in and about the polls where the ballot was being taken?—A. Yes. I got there about daybreak and the ground was full of them. When I got to the creek on the other side of the church I was afraid to go over, the way they were shooting over there about daybreak; and there came along a man in a buggy; his name was Mr. Barrington; he asked me what I stopped for; I told him I was afraid to go up there; he told me to get in the buggy and go on up with him. I went up with him and helped him hitch his horse, and went to making a fire; and after I made up the fire I put the tickets of the election, which I had in my hand, behind the buggy. At that time, I think, Boyd McCall and Willie McCall says, "Let's burn them." I told him "No; I wanted to get them all voted that day." He bet me \$5 that I would not get two of them voted; and the first two black fellows came up, asked me for the tickets, and I told them to go over there and get them; that they could read and I could not. About that time there came two men that had on red shirts and red collars, and I began to get shy about that time. I handed the boys the tickets, and they began to tremble like leaves. I told them to go and vote; that there was not anybody hardly there at that time; and they said they were afraid to vote; but I got them two to vote after a while. And there came up about four more together from our side of the creek, and these same boys asked them if they were going to vote, and they told them "Yes, sir;" and Boyd McCall and Willie McCall told them they had better watch out; that if they did not get hurt there they might hereafter.

Q. What was the conditions existing among the colored people of your community just prior to the election of 1898?—A. They were near about scared to death, nearly all of them.

Q. What produced this state of fear and terrorism among the colored people just prior to the election in your community?—A. I believe it was the Red Shirts riding through there day and night, cursing and shooting.

Cross-examination:

Q. Can you read and write?—A. No, sir.

Q. How much property do you own?—A. I do not own any.

Q. Are you a white man or a man of color?—A. I have a white principle, but my color is dark.

Q. Were you not the chairman of the Republican county convention held in Rock-

ingham in 1898?—A. Yes; I was called to take the chair, but objected to it because I was hard of hearing.

Q. What time did you leave the polls at Laurel Hill?—A. I left about a half hour by sun.

Q. Are men whose names you called just now—Boyd McCall and brother—white men or negroes?—A. They were negroes.

Q. How many fights did you see at Laurel Hill that day?—A. I did not see any.

Q. How many people did you see offer to vote; you was denied that privilege?—A. There were three came there to vote and did not get to vote.

Q. Was anybody hurt there on that day and was any violence offered by anyone?—A. There were nobody hurt; I did not see any violence.

Q. You got there when the polls were open and left about half hour by sun, did you not?—A. Yes, sir; that was right.

Q. Was it not a quiet, peaceable election?—A. I did not think it was, it looked like they were drilling for war.

Q. Give the names of anybody who looked like they were drilling for war?—A. All them that had on red shirts.

Q. Will you swear that you saw any men drilling that day?—A. I said they looked like it.

Q. How did it look like it?—A. When I used to go around before the war driving the carriage I saw them muster and drill; they had brass bands; this time they had on red shirts, but had no band.

Q. You stated that the Red Shirts were riding around just before the election, shooting and cursing colored people at night, which produced a state of fear among the people; will you swear that a single Red Shirt in your township shot into the house of any person, white or colored?—A. I would not swear they shot in the house, but they shot over the house and in the yard.

Q. When and where did you see them?—A. They shot over my house and shot in the yard.

Q. Did you see them?—A. I left home; they sent me word they were coming to wait on me, and Calvin McNair and I went up to Mr. Thom. McNair's store and stayed there that night.

Redirect:

Q. Who called you to preside as temporary chairman over the Republican convention in 1898?—A. Mr. Dan Morrison.

Q. What party did Mr. Morrison support in 1898?—A. The Democratic party.

Recross-examination:

Q. At the time that Mr. Morrison called you to the chair was he not then, and had he not been for many years before that, the chairman of the Republican executive committee in Richmond County?—A. He had been a good while before that and was at that time.

Q. Please give the names of any colored men in Richmond County you have seen preside over Republican conventions.—A. I do not know that I have seen any.

HENRY (his x mark) MONROE.

Sworn to and subscribed before me this 18th day of April, 1899.

[SEAL.]

W. M. KELLY, Notary Public.

JOHN M. GRAHAM, being duly sworn, deposes and says:

Q. State your name, age, and place of residence?—A. John M. Graham; age 49 years; residence, Lower Williamsons precinct, Williamsons Township, Richmond County.

Q. Were you registered for the election of 1898 in that precinct?—A. Yes, sir.

Q. Did you vote?—A. No, sir.

Q. Why did you not vote?—A. The reason I did not vote, there was a general rule among the white folks that it was a fight among them, and that the colored people had better stay at home on day of election and have nothing to do with it.

Q. Were you an election officer at your precinct?—A. I was appointed one.

Q. Were you present on election day and did you discharge your duty as such officer?—A. Yes, sir; I was present; I suppose I done all that I had to do.

Q. Did any Democrat or Democrats call upon you on the night prior to the election and make any threats as to what would or would not be the consequences in case you failed to attend there on the next day?—A. I did not see anybody, but found a letter near my house which said for me, John Graham, and Anthony Stanback not to appear at the election; that the best thing we could do to escape from our lives would be to go to South Carolina.

Q. After receiving this threatening letter did you go to the election; and if so, why did you go?—A. Yes, sir; I went. My reason for going was I did not know

rom what source the letter came, whether it was Republicans, Populists, or Democrats.

Q. About how many colored voters are there in your precinct?—A. I think it is somewhere near 90 or 100.

Q. How many of these colored voters voted in the election of 1898?—A. I do not recollect, sir; there was not a colored Republican voted; there was not a Republican vote cast there.

Q. Were the polls at that precinct surrounded by Red Shirts on election day, and were they in and about the polls while the ballot was being taken?—A. There were some Red Shirts there.

Q. Did you see any parties from the State of South Carolina there that day with red shirts on?—A. Yes, sir; I think I did.

Q. What was the conditions existing among the colored people in your community just prior to the last election?—A. It was a fearful and a frightful condition, and many men who had families were in the woods at night.

Q. What produced and brought about this state of fear and fright among the colored people at that time?—A. The parading of the roads by the Red Shirts, and shooting, and some of the white people telling the colored people to crawl in the hole and pull it in after them, for they would see them.

Cross-examination:

Q. What position did you and Anthony Stanback hold in the last election, and are you white men or negroes?—A. I was registrar, with two white men, three in all, and Anthony was poll holder; we are both colored.

Q. What time did you reach the polls and what time did you leave the polls?—A. I reached there about 7 o'clock a.m. and left some two hours after dark.

Q. Did you receive any harm or hurt while you were there?—A. No, sir; I was especially taken care of by the Democrats.

JOHN M. GRAHAM.

Sworn to and subscribed before me this 18th day of April, 1899.

[SEAL.]

W. M. KELLY, *Notary Public*.

ALEX SMITH, being duly sworn, deposes and says:

Q. State your name, age, and place of residence.—A. Alex Smith is my name; I am 56 years old; I live in lower Laurel Hill precinct in Laurel Hill Township.

Q. Were you registered in your precinct for the election of 1898?—A. Yes, sir.

Q. Did you vote in the election of 1898?—A. No, sir.

Q. Why did you not vote?—A. I was scared to go about the polls that day.

Q. What were you scared of?—A. I heard that I was threatened.

Q. What ticket did you intend to vote had you voted?—A. I did not know until I saw them.

Q. Did you intend to vote the Republican or the Democratic ticket?—A. Republican, I reckon.

Cross-examination:

Q. Nobody hurt you during the campaign, did they?—A. No, sir.

ALEX (his x mark) SMITH.

Sworn to and subscribed before me this 18th day of April, 1899.

[SEAL.]

W. M. KELLY, *Notary Public*.

In the contested election case wherein O. H. Dockery is contestant and Jno. D. Bellamy, jr., is the contestee, the said Bellamy objects to the taking of any evidence at this time in Richmond or Scotland County, for the reason that after the conclusion of the examination of witnesses on the part of the said contestant, which commenced on or about the 27th day of March, 1899, in said counties of Richmond and Scotland, and ended several days thereafterwards, the said Bellamy did not introduce anything in reply, and therefore the contestant has no right to proceed further as to anything that took place in the said counties.

(To this objection counsel for contestant protests, and insists that the evidence of this and the other witnesses which he now proposes to examine is competent and material, for the reason that the contestant has claimed, and now claims, that the election in the Sixth district was void and illegal, and not that of any one county, and further insists that any intimidation shown to have been practiced in the district goes to sustain the contestant's claim, and for the further reason that the evidence of this and the other witnesses that the contestant now proposes to examine will be directly in rebuttal to the evidence of the contestee himself, who swore, or attempted to swear, when tendered as a witness for himself in this case, that no intimidation was practiced by the Democrats in any of the counties in the district in the election of 1898.)

It is agreed that the foregoing objection and protest shall be considered as entered to all the evidence taken under this notice by the contestant.

JNO. P. CAMERON,
Attorney for Contestant.

W. H. NEAL,
Attorney for Contestee.

W. M. KELLY, *Notary Public.*

[SEAL.]

Notices to take depositions.

To JOHN D. BELLAMY,

Contestee, Wilmington, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Rockingham, Richmond County, N. C., before W. M. Kelley, notary public, beginning at 9 o'clock a. m., Wednesday, the 12th day of April, 1899, and continuing from day to day if necessary. I will examine the following witnesses, namely: W. A. McDonald, Z. F. Long, Rockingham, N. C.; Terral Crouch, Ellerbe, N. C.; J. W. Ussery, Rockingham, N. C.; A. D. Spivey, Ellerbe, N. C.; Titus Ellerbe, Dockerys Store, N. C.; Henry Rush, Roberdell, N. C.; G. W. Morgan, Rockingham, N. C.; T. R. Graham, Diggs, N. C.; J. M. Dockery, Sim Harrington, Adam Morse, E. W. Mauship, Rockingham, N. C.; J. W. McLauchlin, Laurinburg, N. C.; Jim Thomas, Wm. Pickett, Levi Gales, Rockingham, N. C.; Charles Lee, Gilborne Mills, N. C.; R. L. Nichols, W. I. Everett, clerk superior court, Richmond County, James Quick, William Hailey, Rockingham, N. C.; S. E. Kelly, Males, N. C.; O. H. Dockery, Mangum, N. C.; J. M. Hines, Males, N. C.; Pleas Bowden, Keweltown, N. C.; D. M. Owen, Males, N. C.; Wade Allsbrooks, Daniel Baldwin, Portsmouth, N. C.; Sell Stansell, Troy, N. C.; Tom Ratliff, Harrosh, N. C.

This the 5th day of April, 1899.

OLIVER H. DOCKERY,
Per OSCAR J. SPEARS, *Attorney.*

Received April 8, 1899. Served April 8, 1899, by delivering a copy of this notice to Jno. D. Bellamy, contestee.

WALTER G. McRAE, *Sheriff.*
Per OWEN TENNILE, *Deputy.*

To JOHN D. BELLAMY,

Contestee, Wilmington, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Rockingham, Richmond County, N. C., before W. M. Kelly, notary public, beginning at 8 o'clock p. m. on Saturday, the 15th day of April, 1899, and continuing from day to day if necessary. I will examine the following witnesses, namely: G. E. Flow, Monroe, N. C.; Claudius Dockery, A. M. Long, Rockingham, N. C.

This the 11th day of April, 1899.

OLIVER H. DOCKERY,
Per OSCAR J. SPEARS, *Attorney.*

To JOHN D. BELLAMY,

Contestee, Wilmington, N. C.

SIR: You will take notice that I will proceed to take testimony in the above-entitled cause at Rockingham, Richmond County, N. C., in the court-house in said town, before W. M. Kelly, notary public, beginning at 10 o'clock a. m. on Friday, the 21st day of April, 1899, and continuing from day to day if necessary. I will examine the following witnesses, namely: Geo. E. Flow, Monroe, N. C.; A. M. Long, Claudius Dockery, W. I. Everett, clerk superior court, Rockingham, N. C.

This the 17th day of April, 1899.

OLIVER H. DOCKERY,
Per J. P. CAMERON, *Attorney.*

STATE OF NORTH CAROLINA, *Richmond County:*

Pursuant to the annexed notice to John D. Bellamy, contestee in the above-entitled cause, of the taking of the depositions or testimony of the following-named witnesses for contestant, at Rockingham, N. C., to wit: W. A. McDonald, Z. F. Long, Terral Crouch, J. W. Ussery, A. D. Spivey, Titus Ellerbe, Henry Rush, G. W. Morgan, T. R. Graham, J. M. Dockery, Sim Harrington, Adam Morse, E. W. Mauship, J. W. McLauchlin, Jim Thomas, William Pickett, Levi Gales, Charles Lee, R. L. Nichols, W. I. Everett, James Quick, William Hailey, S. E. Kelly, O. H. Dockery, J. M. Hines, Pleas Bowden, D. M. Owen, Wade Allsbrooks, Daniel Baldwin, Sell Stansell, and Tom Ratliff.

The undersigned, W. M. Kelly, a notary public, resident in the Sixth Congressional district of North Carolina, Walter L. Parsons, a notary public, resident in the Sixth Congressional district of North Carolina, associated and sitting with him, under the authority of law conferred on us by section 110 of the Revised Statutes of the United States, met in the town of Rockingham, N. C., on the 12th day of April, 1899, the contestant, Oliver H. Dockery, being present and represented by his counsel, John P. Cameron; whereupon Cameron Morrison, esq., attorney at law, enters a special appearance for John D. Bellamy, contestee, and moves that the depositions of the witnesses named in the notice be not taken, because the five days' notice required by section 108, Revised Statutes of the United States, has not been given to John D. Bellamy, contestee, by Oliver H. Dockery, contestant, and as evidence of this fact exhibits the officer's return, to wit: Walter G. McRae, sheriff of New Hanover County, on the original notice issued by the contestant, which showed that said notice was served on the contestee on the 8th day of April, 1899, and exhibits the notice for the taking depositions of the witnesses named, which shows to have been made the 8th day of April, 1899, which establishes the fact that the contestee has not had five days' notice of the taking of these depositions; and the said Cameron Morrison, attorney at law, asks that none of the said depositions of said witnesses be taken.

Motion overruled.

Whereupon and after said motion had been overruled, Cameron Morrison, attorney at law, announced that he would appear generally for the contestee, John D. Bellamy, and as attorney for the contestee entered his earnest protest against taking the depositions of witnesses named in notice, for the reason that the five days' notice required as aforesaid had not been given to contestee, John D. Bellamy, by contestant, Oliver H. Dockery, as shown by the notices and officer's return thereon. We proceeded to take and certify the depositions of the following witnesses for the contestant named in the notices aforesaid, to wit: Titus Ellerbe, E. W. Manship, and Z. F. Long, taken on April 12, 1899; J. W. Ussery, Charles Lee, and Henry Rush, taken on April 13, 1899; Pleas. Bowden, D. M. Owen, James Quick, S. E. Kelly, Daniel Baldwin, Wm. M. Hailey, W. A. McDonald, and J. W. McLauchlin, on the 14th day of April, 1899; G. W. Morgan and O. H. Dockery, on the 15th of April, 1899; W. I. Everett, clerk superior court Richmond County; A. M. Long and George E. Flow, taken on April 21st, 1899.

Walter L. Parsons was not present at the taking of the depositions of witnesses E. W. Manship, Z. F. Long, W. A. McDonald, and J. W. McLauchlin, under the following circumstances, viz: The depositions of these four witnesses were taken at night, against the protest of Notary Walter L. Parsons and Cameron Morrison, contestee's counsel, and after a positive refusal of Walter L. Parsons notary public, to be present at night and, after his declination, of a willingness to sit and work during the day as many hours as necessary to finish the depositions of all witnesses desired to be examined. Under these circumstances Notary Walter L. Parsons did not sit at night with Notary W. M. Kelley, and does not sign or certify to depositions of four last-named witnesses. We further certify that none of the depositions have been proof-read by us since we took them from the mouth of the witnesses, and this fact is referred to as an explanation of any discrepancies there may be in the language used in the two copies.

Witness our hands and notarial seals, this the 12th day of April, A. D. 1898.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public*.
WALTER L. PARSONS, *Notary Public*.

TITUS ELLERBE, a witness for the contestant, Oliver H. Dockery, in the case of ~~Oliver H. Dockery, contestant, against John D. Bellamy, contestee~~, in the case of ~~contestee in the Sixth Congressional district of North Carolina for election to seat in the Fifty-sixth Congress, before W. M. Kelley, notary public, with Walter L. Parsons, notary public, associated with him, at Rockingham, N. C., on the 12th day of April, A. D. 1899, being duly sworn, deposes and says:~~

(The counsel for contestee objects to taking the deposition of Titus Ellerbe, for the reason that the contestant, Oliver H. Dockery, did not give the contestee five days' notice of his intention to examine the said Titus Ellerbe, and for the further reason that the witness was not subpoenaed five days previous to this the day of his examination.)

Q. State your name, age, and place of residence.—A. My age is 57; Blackjack Township; Titus Ellerbe is my name.

Q. Did any party or parties dressed in red shirts make any threats toward you just prior to the election of 1898? If so, state the nature of the threats and where they were made at.

(Question objected to by contestee's counsel, for the reason that a threat made just previous to the election is too indefinite as to time and would not affirmatively show material effect upon the election, even if made; and for the further reason that

it is not claimed or pretended that such alleged threats prevented the witness from casting his vote for the contestant if he so desired; and for the further reason that the color of shirt worn by the alleged threateners is not relevant or material to this cause; and because said question is leading.)

A. On Saturday night, before the election on Tuesday, they came on there and dared any of us to poke our heads out at the door, and said if we did they would burst it with a ball, and stopped and just dared us to poke our heads out. I did intend, if they had not treated us that way, to divide my spoil at the ballot box, after which I went and voted, and Mr. Ingram asked me how did I vote, and I started to tell him and he struck me with a stick; and from that every kind followed his flock and they became confused and a heap of them left. We omit that red shirts did not have much effect, for we had all been seeing them, but hot shot does. There was numbers through there that did not go at all. I was making sirup with a public cane mill, and I saw people from Laurinburg strewed out in the sandhills that was raised up here among the walls.

(Answer objected to by contestee's counsel, because it is not responsive to the question asked and because the alleged threat made at the home of the witness does not appear to have had political significance, and if it did, could have had no effect to deter witness or any other person from voting; and for the further reason that the alleged striking of witness by Mr. Ingram was after he had exercised his right to vote, and that it does not show, affirmatively, that it caused any person to leave who had not voted, and because witness's answer that many persons did not go there at all is too vague and indefinite to show or tend to show that any person qualified to vote was intimidated or in any other illegal manner prevented from voting; and for the further reason that witness's reference to hot shot seems to be irrational and, without substantive testimony, meaningless and irrelevant.)

Q. Was this alleged assault made upon you by Mr. Ingram made upon the election grounds and during the time that the ballot was being taken?

(Contestee objects to the question because it is leading and because it does not appear affirmatively that Mr. Ingram assaulted the witness on account of politics, and because it has not been affirmatively shown that Mr. Ingram was a supporter of the contestee, or the color of his shirt.)

A. It was.

Q. Is Mr. Ingram a Democrat, and did he wear a red shirt on election day?

(Question objected to because it is leading.)

A. I propose when I started to tell the truth, and if he had on a red shirt I did not notice it. You asked me if he was a Democrat, and I reckon if there is one in our country he is as good a one as there is.

(Answer objected to because witness states as to Mr. Ingram's politics what he reckons and supposes and not what he knows, if he knows anything.)

Q. Do you know what Mr. Ingram assaulted you for? If so, state it.

(Question objected to by contestee's counsel for the reason that the alleged assault, having been committed after the witness had cast his vote, is immaterial and irrelevant to this cause unless it affirmatively appeared that it prevented some other registered and qualified voter who intended to cast his ballot for the contestant from doing so, which has not been shown and can not be shown.)

A. It was simply because I voted the Republican ticket.

Q. Did not a considerable number of colored voters in Blackjack Township fail to vote in the election of 1898, and have any of them since the election told you their reasons for not voting?

(Question objected to by contestee's counsel because the registration list, which are accessible to contestant, is the best evidence as to how many qualified voters failed to vote; and for the further reason that what persons have told witness about not voting and their reasons for not voting is hearsay, too indefinite.)

A. I have heard them say they were afraid, and it's a fact a heap of people was afraid, for I was afraid to go there myself when they were shooting like they was. You take a man now that's got nothing and don't mean no harm, and here's people, maybe, that has got guns shooting and another class has not none, and the whole decline seems to be after the ones that's got none.

(Answer objected to by contestee's counsel because it has not been shown that there was any shooting at the election, and such shooting as occurred previous to the election has not been fixed upon the adherents of the contestee; and contestee's counsel believe that the shooting, if any, was done by supporters of contestant, and because the answer is mostly hearsay and unintelligent.)

Q. Was there any pistol or gun shots fired on the election grounds in Blackjack Township on election day; and if so, were they fired by Democrats or Republicans?

A. If there was a pistol or gun fired on the election grounds that day I never heard it. Some white fellows, as they started off that day, shot; but not on the election grounds.

(Answer objected to by contestee's counsel because it is irrelevant and immaterial

what was done after they left the election grounds, and because witness does not know the politics of the men who did the shooting.)

Q. About how far from the ballot box was this shooting, spoken of by you?
(Question objected to for the reason that it has not affirmatively appeared that contestee's supporters had anything to do with the shooting, and because it had not affirmatively appeared that any registered and qualified voter in Blackjack Township who desired to support the contestant was prevented from voting by said shooting or any other improper conduct of the supporters of the contestee.)

A. One portion of it; it was about four or five hundred yards, and the other about one-quarter of a mile.

Cross-examination:

Q. Can you read and write?—A. No, sir.

Q. Were you a slave; and if so, to whom did you belong?—A. I were, and belonged to Mike Ellerbe.

Q. How long have you had the right to vote under the laws and constitution of North Carolina?—A. Some thirty odd years.

Q. During the time you have had that right were you ever prevented from casting your vote?—A. No, sir; I have not.

Q. Since the war have you ever known the township in which you lived to fail to give a Republican majority?—A. Not since I have been in it. The nearest it came at it was this time.

Q. Do you swear it came nearer going Democratic this time than ever before?—A. To the best of my memory.

Q. Give me the name of every Republican you know who wanted to vote and was prevented by the hot shot of Democrats from doing so?—A. I did not propose to picture out any names; for the reason why, I did not say that the reason they did not go was because they were afraid they would get shot there, but that they were afraid that they would get shot on the way, as there was so much shooting. Ed Ellerbe said that was the reason he did not go to the election, also one of my boys (Crawford Ellerbe). I could not give any other names.

Q. Do you swear that Ed Ellerbe did not vote at the last election?—A. I could not swear that he did not, but he did not come to the grounds while I was there.

Q. How many men in Blackjack Township, who had been Republicans up to the last election, at the last election voted the Democratic ticket at the last election?—A. Now, for to say how many, I could not say how many; but there was a good many.

Q. Wasn't the last election pretty nearly a division between the white men and the colored men?—A. No, sir; the white people all went one way, and a good many of the colored went over to the Democrats.

Q. Hadn't you heard, and from your own knowledge do you not believe, that almost all of the white Republicans in Richmond County, except the candidates for office, deserted the colored people in the last election and went over to the Democrats?—A. I believe so, by reason—

Q. Were not many of the Red Shirts in Blackjack Township men who had voted the Republican ticket before the last election?—A. I reckon they was, from the fact that they were bribed and was short of education and did not know.

(The portion of the witness's answer giving a reason why the Republicans changed their vote is objected to, for the reason that it is not responsive to the question asked.)

Q. What white man can you name who was bribed to wear a red shirt and vote the Democratic ticket?—A. The Shepherds, we all know, has not got any more education than I have.

Q. Did you see anybody pay them to do it?—A. No, sir.

Q. Is it not true that the Democrats had more voters in the last election than you ever knew them to have before?—A. Probably they did.

Q. Most everybody, white and black, Republicans, Populists, and Democrats, were dissatisfied with the way the fellows who were in office, who called themselves Fusionists, had managed things, were they not?—A. That was generally the custom of the day.

Q. You came mighty near quitting the Fusion parties yourself, did you not?—A. I did.

Q. I ask you, if when you did about decide to quit the Fusionists if leading Republicans did not make threats against you of damaging your property, and if men of your own race didn't endeavor to intimidate and badly treat you to prevent your going to the Democrats?—A. It came to me that way, but they did not say it to my face.

Q. What did you hear they were going to do to you?—A. I bought in some land here and got parties to back me up, and they said if I went that way that they would destitute me of my property, so I heard. I don't say that they said so.

Q. Who were these parties you refer to, who you heard had threatened to sell your

property or destitute you of it if you voted the Democratic ticket?—A. I heard that it was Mr. Henry C. Dockery, but I do not say that he said it.

Q. What relation is Mr. Henry C. Dockery to Col. O. H. Dockery, the contestant in this case?—A. Brother.

Q. Were you not, at the time you spoke of, voting against the Fusionists and with the Democrats, badly treated by your own race?—A. Not particularly, sir.

Q. Is it not a fact that a colored man who votes the Democratic ticket is in danger of being beaten, ostracised, turned out of the church, if he is a member of it, deserted by his wife, and made miserable in every conceivable way by the colored people?—A. Yes, sir.

Q. You would have had more trouble if you had voted the Democratic ticket in the last election than you did have by voting the Republican ticket, would you not?—A. I expect so, except I had run out.

Q. Do the white folks and the black folks ever have much trouble here in North Carolina, except about politics?—A. Not at all, and that ought not to be.

Q. The best of feeling exists between the colored people and the white people, does there not, in North Carolina?—A. We have up to this period.

Q. Don't you think if the white Republicans and the Populists, who go around organizing your race in political contests, and trying to get office on your votes, would let you and your race alone that you would get on a great deal better, and be much happier?

(Question objected to for the reason that it is incompetent, immaterial, irrelevant, and almost malicious.)

A. There is no use building a schoolhouse if you don't put a teacher in it.

Q. What became of the Populists in the last election? Did most of them go back to the Democrats, or not?—A. They drifted back from whence they came.

Q. Where was that?—A. To the Democrats.

Q. Were the Republicans satisfied with Col. Oliver Dockery's record in politics for the last few years?—A. Some was and some was not.

Q. He sorter turned Populist a while, did he not?—A. It was so said. Men usually turn when there is a big chunk on one side to turn to.

Q. Is it not a fact that the colored Republicans were mainly interested in their county ticket, and cared very little about whether Colonel Dockery was elected or not, for the reason that he canvassed and worked against President McKinley in 1896?—A. If they did they did not show it, I do not think.

Q. Did you hear Colonel Dockery speak when he went over to the Populists in the election before the last?—A. No, sir; I did not.

Q. What office was Colonel Dockery a candidate for in the last election?—A. The legislature, wan't he?

Q. To go to Raleigh, N. C., to make laws for us?—A. Yes, sir.

Q. The colored people are not competent to govern and make laws for both races, are they, in this State?—A. That would be a little more than I could say. I don't know.

Q. Do you think they are?—A. No, sir.

Q. Would not a great many of the colored people vote the Democratic ticket in North Carolina if they were not afraid of being hurt by the Republicans?—A. There might be a good many spotted horses, but not as many as you might think.

Q. How many offices have you ever voted for Col. Oliver H. Dockery for?—A. Every one that he has run for, I reckon, since the emancipation.

Q. Did you ever vote for him for President of the United States?—A. I can not tell.

Q. What do you think about it?—A. I am under the impression that he did run once, and if he did, I voted for him.

Q. Where does the governor of North Carolina have his office?

(Question objected to for the reason that it is immaterial and irrelevant, and can not possibly have any bearing on this contest, and for the further reason that the witness is a colored man and has already testified that he is an ex-slave and can not read nor write.)

A. In Washington.

Q. Did you see the men who went to your house on Saturday night before the election and made threats against you if you stuck your head out of your door?—A. I saw them through the cracks of my house, but could not tell who they were.

Q. It wan't dark much, was it?—A. It was after dusk; it was starlight.

Q. Up to that time you had been telling almost everybody with whom you were well acquainted that you were going to vote the Democratic ticket, had you not?—A. Yes, sir.

Q. Did you think the Democrats were going to whip you for that—because you were going to vote with them?—A. No; but I thought it was right for me to divide spoil each way, being that I had friends on both sides.

Q. You don't know and you do not say whether the men who went to your house on Saturday night before the election were Republicans, Populists, Democrats, Pro-

hibitionists, or Mugwumps, do you?—A. They were hardly Republicans; that is as far as I am able to go.

Q. Do you mean to swear that you are absolutely certain that they were not Republicans or Fusionists trying to whip you because you had said you were going to vote the Democratic ticket?—A. No, sir; I am not so apt to swear that way, because I do not know who they were.

Q. Don't it look more reasonable that they were Republicans or Fusionists than that they were Democrats when you consider that you had told that you were going to vote with the Democrats?—A. No, sir.

Q. Do you know anybody who was hurt in Black Jack Township by a man dressed in a red shirt during the last campaign? If so, tell who he was.—A. No; but a man just as well be hurt as scared to death.

Q. What is there about a red shirt to scare a man?—A. There is nothing about the shirt, but the sharpshooters and pistols has the effect.

Q. What man dressed in a red shirt in Black Jack Township did you ever see have a sharpshooter while he had on his red shirt?—A. I did not see anybody have a sharpshooter in that township.

Q. Who did you see have a pistol while dressed in a red shirt?—A. I did not see anybody have pistols, but had reason to think that they did have them.

Q. Don't you suppose the Republicans and Populists had a few pistols and guns?—A. They might have had a few pistols, but they were not so fortunate as to have the sixteen-shooters.

Q. They had shotguns, did they not?—A. Nine-tenths of them had no hammer on them, I don't reckon.

Q. Don't you know the Republicans and Populists out in Black Jack Township have got about as many guns, or more, than the Democrats?—A. Such as they are, they may have, but they would not kill a turkey 50 yards.

Q. The Republicans and Populists shot a right smart along about election time, too, did they not, especially the young colored men?—A. No, sir; there was so much shooting it gorged them.

Q. They had been doing it at elections heretofore, had they not?—A. No, sir; we had quiet times up to that election.

Redirect:-

Q. Do you believe that Henry C. Dockery ever threatened to sell you out if you voted the Democratic ticket in the year 1898?

(Question objected to because what the witness now believes or has believed since the election is immaterial to this controversy.)

A. It came to me that way, but, as I heretofore stated, I did not believe it.

Q. Don't you know that the crowd of Red Shirts that made threats against you at your house were Democrats, and don't you know further that no Republicans ever wore red shirts and rode over this country in the daytime and nighttime, shooting and cursing and trying to terrorize the humble citizens of this country?

(Counsel for contestee earnestly objects to and protests against this stump speech of a question, because it is leading and seeks to make the witness contradict what he said when he swore that he could not be absolutely certain that they were not Republicans or Fusionists trying to whip him because he had said he was going to vote the Democratic ticket, and for the further reason that the witness has never sworn that they were Democrats or dressed in red shirts, but by the leading question asked upon his direct examination it was made to appear that they were Red Shirts, which is explained away on page 21 of this deposition.)

A. This is almost more than I am able to say, but it looks reasonable that they were, because the Republicans never does any such thing, but I don't know who they were.

Recross-examination:

Q. Have you sworn or undertaken to swear purposely to the color of shirt worn by the men who went to your house on Saturday night before the election?—A. Of course I could not say, for I do not know.

Q. You don't know whether they were white or black or what color they were, do you?—A. No, sir.

Q. And you don't know what their politics were, do you, of your own knowledge?—A. No, sir.

Q. You never knew the Republicans to ride over the county cursing and shooting, you say, but you have heard, have you not, that they like to have ruined the common schools in the county, and had the sorriest sort of folks on the juries, and some men for offices who was not fit for them, and raised the people's taxes, and dissatisfied the good people of all parties and races?—A. I heard that.

TITUS (his x mark) ELLERBE.

Sworn to and subscribed before us this 12th day of April, 1899.

[SEAL.]
[SEAL.]

W. M. KELLEY, Notary Public.
WALTER L. PARSONS, Notary Public.

Contestant's counsel moves that an adjournment be taken until half past 8 o'clock p. m.

To this motion the contestee's counsel objects upon the grounds that the notaries and counsel have been continuously at work since 10 o'clock a. m., with an interval of one hour and twenty minutes for dinner, and it is now half past 7 o'clock p. m., and asks for an adjournment until 9 o'clock a. m. to-morrow morning. Motion of contestee's counsel overruled, and a recess taken until 8.30 o'clock p. m.

W. M. KELLY, *Notary Public*.

At 8.30 o'clock p. m., we met for the further taking of depositions. Walter L. Parsons, associate notary, not being present, and he having notified me that he would not be present, I proceeded to take the depositions of the following witnesses:

(Attorneys Paul C. Whitlock and Cameron Morrison, for the contestee, John D. Bellamy, objects to and protests against taking of depositions at this hour of the night after an arduous day's work, and for the further reason that Walter L. Parsons who is associated with Notary W. H. Kelley, as contestee had a right to do under the law, declared himself unwilling to work day and night, and announced that he would not sign depositions taken at this sitting by Notary Kelley, and is not now present, and the contestee is unable to secure the services of any other competent notary public, and believes the taking of said depositions by Notary Kelley, in the reasonable absence of his associate, Walter L. Parsons, illegal, and he will not consent to the same.

Objections and protests overruled.)

ELI W. MANSHIP, being duly sworn, deposes and says:

(The counsel for the contestee objects to and protests against taking the deposition of the said Eli W. Manship for the reason that the said contestee was not given the five days' notice of the taking of the said Manship's deposition by the said contestant, which the Revised Statutes of the United States require, and for the further reason that the said witness was not given the five days' notice required by the Revised Statutes of the United States by the contestant, and for the further reason that counsel for contestee are worn out physically and unable to perform their duty properly to the contestee in the taking of said depositions.

Objections and protest overruled.)

Q. State your name, age, and place of residence.—A. My name is Eli W. Manship; I reside in Wolf Pit Township; I am 50 years old.

Q. Do you know of any intimidation practiced by Democrats in any of the precincts in Richmond County during the campaign of 1898? If so, state the nature of the intimidation, when and where it was practiced, and the manner in which it was practiced.

(Contestee's counsel objects to this question because it has not been affirmatively shown that any duly qualified voters failed to vote in Richmond County in the last election, and for the further reason that evidence of intimidation during the campaign is too remote and indefinite to show any effect upon the result of the election, even if indulged in.)

A. I decline to answer.

Q. Why do you decline to answer that question?

(Question objected to for the reason that the witness's answer can not be relevant or material to this contest, and for the further reason that if witness has a lawful right to decline to answer he has a lawful right to refuse to give his reasons, and for the further reason that no lawful or valid reason why the witness should not answer exists.)

A. First, because I do not think in the future that my life will be safe, also my family's and my property; also, knowing what I do of the feelings of the so-called Democratic party, or a portion of them rather, it would not be safe for me to give any testimony at this time and at this place; therefore I respectfully decline to answer any questions between the contestant and the contestee.

(Answer objected to for the reason that witness has remained in and about the notary's office from 10 o'clock a. m., after he was notified that he could not be made to testify under the notice served on him by the contestant until he was sworn as a witness, and just as he was sworn was notified that he could not be kept here as a witness, as he said he wanted to go home; and for the further reason that it is apparent that witness was tendered by the contestant when his counsel knew full well that witness would refuse to testify.)

Cross-examination.

Q. What is your politics?—A. I decline to answer.

Q. Are you afraid of being hurt for telling that?—A. I decline to answer.

Q. Was it understood by counsel for contestant or any of them before you were

offered as a witness that you would decline to answer?—A. I decline to answer any and all questions asked me in regard to this matter.

Q. Do you not know that the charge you make against the Democrats in the reasons which you gave on your direct examination for not testifying in this cause would be more objectionable and, if anything, would possibly endanger you as much as anything you could possibly testify to?—A. I decline to answer.

R. Were you asked by contestant, or any of contestant's counsel previous to your being offered as a witness, if you would refuse to testify in this cause?—A. I decline to answer.

Q. Cameron Morrison, a counsel for contestee, informed the witness that he was chairman of the Democratic executive committee of Richmond County, and would assure him that he was mistaken, if sincere, in his fear of being harmed for testifying, and that he would see that he was not harmed in person or property for testifying to whatever he might know of wrongdoing on the part of the Democrats in connection with the last election, and urged him to tell, without fear or reservation, any acts of intimidation he may know, and to say to the public that he only testified at urgent request of the chairman of the Democratic executive committee of the county; and assured him that if he would testify, he would now sign a card that the witness had only testified upon his urgent request, and because it was to the interest of the Democratic party for him to do so; upon this assurance the witness was asked the question if he would now answer such questions as contestant's counsel may see fit to ask you?

(Question objected to by counsel for contestant for the reason that, though Mr. Morrison is chairman of the Democratic executive committee of Richmond County and would doubtless protect Mr. Manship were it in his power to do so, yet it is well known by the counsel for the contestant in this case and by the witness that he does not possess the power to control the actions of the 2,500 men who compose the Democratic party in Richmond County, many of whom did engage during the campaign of 1898 in many high-handed outrages upon the humble Republican voters of Richmond County, and a number of whom engaged in the shedding of innocent blood of the Republican voters of Richmond County.)

The counsel for contestee earnestly protests against this objection, for the reason that it is made in the presence of the witness and before he had answered the question with the manifest purpose of preventing his answering the question favorably to being examined, and clearly showing that there was not any bona fide purpose to examine the witness when he was sworn, but said objection seems to have been thought necessary to prevent witness testifying; and for the further reason that it is scandalous and unsupported by testimony.)

A. I decline to answer any and all questions.

Q. You have been chairman of the Republican executive committee of this county, have you not?—A. I decline to answer any and all questions.

Q. Did you not notify the counsel for contestant of what course you would take on the witness stand before you were placed there?—A. I decline to answer.

Q. Was the election in Richmond County not fair and lawful and satisfactory to a large majority of its citizens?—A. I decline to answer.

Q. If I will get all of the Democratic county officers, the mayor and policemen of the town of Rockingham, the Democratic executive committee of the township in which you live, and 25 of your Democratic neighbors to be here by 11 o'clock to-morrow morning and assure you of their protection, will you testify in this cause?

(Question objected to, for the reason that it is well known to this witness, by experience and otherwise, that every one of the parties named by the counsel for contestee gave their assent, if not their actual assistance, to many high-handed outrages perpetrated upon the Republican voters of Richmond County during the campaign of 1898 by the roughs and toughs composing the membership of their organization.)

Counsel for contestee earnestly protests against the slanderous abuse against the good men of Richmond County by contestant's counsel, and scorns the unsupported charges which he makes against the officers of Richmond County, the mayor and policemen of the town of Rockingham, and citizenship of Wolf Pit Township, and the manifest purpose of contestant's counsel to frighten witness and prevent his testifying, so that contestant can make capital out of it, and points to the fact that the witnesses heretofore examined in this contest by the contestant have not been molested, and to the further fact that counsel for contestant during the progress of the taking of these depositions has been unmeasured in his denunciation of the Democrats of Richmond County and still lives, notwithstanding the fact that he is a smaller man physically than the witness who refuses to testify, and counsel for contestee urges counsel for contestant to join him in endeavoring to induce witness to testify, and directs counsel for contestant's attention to the fact that he himself testified and is still unhurt.)

A. I decline to answer.

Q. Do you see any danger to you in swearing to the truth in this case? If so, name the individuals from whom you fear it.—A. I decline to answer.

Q. How long have you resided in this State?—A. I decline to answer.

(Counsel for contestee objects to notary certifying this witness's refusal to testify, and insists that it was not any bona fide intention on the part of the contestant to take the witness's deposition, and insists that witness shall retire unless he will now make answer to all reasonable questions put to him.

Objection overruled.)

E. W. MANSHIP.

Sworn to and subscribed before me this 12th day of April, 1899.

[SEAL.]

W. M. KELLY.

Z. F. LONG, being duly sworn, deposes and says:

(Counsel for contestee objects to this witness being examined because the contestee was not given the five days' notice required by the Revised Statutes, and for the reason that the witness himself did not have the five days' notice.)

Q. State your name, age, and place of residence.—A. My name is Zachary F. Long; age, 50 years; residence, Rockingham, N. C.

Q. Have you been examined as a witness in this case for the contestant and cross-examined by contestee's counsel?—A. Yes.

Q. Did you receive a number of letters from Republicans in different parts of Richmond County during the campaign of 1898 bearing upon political conditions existing in their communities? If so, did you receive among the number one from Calvin Pipkins, wrote from Hasty, N. C.

(Question objected to because it is not the best evidence of the letters, and for the further reason that the letters themselves, if produced, would be hearsay and irrelevant.)

A. Yes; I received one from Calvin Pipkins; that is, one signed with his name and purporting to be from him. I do not know his handwriting, nor did I see him sign it.

(Answer objected to because irrelevant and immaterial.)

Q. Is this the letter you received purporting to be signed by Calvin Pipkins? [Here counsel for contestant exhibited the letter to the witness.]—A. Yes.

(Question and answer objected to. Contestant's counsel asks that the letter exhibited to the witness and identified by him as being the letter he received purporting to be signed by Calvin Pipkins, be marked Exhibit A, and be made a part of this deposition.)

Counsel for contestee objects to the introduction of this letter, upon the grounds that it is not proven properly, is hearsay and irrelevant.

Counsel for contestee states that he does not desire to cross-examine the witness.)

Z. F. LONG.

Sworn to and subscribed before me this 12th day of April, 1899.

[SEAL.]

W. M. KELLY, Notary Public.

EXHIBIT A.

HASTY N C Nov 8 1898

Mr J F LONG: I wish you would notify the charman of the republican that the State of affairs is in the worse condition hear that any nation Can witness in this Country for the red Shirts are killing and shooting Every body that would not take there names off of the book's registration book. they shot Every colored house in the low part of Richmond County. they have used intimidation telling them that they would let them Stay at home if they would take their names off of the Register book and if they did not take it off they would do this that and the other to them after the lection this they would Send a man word of what they was going to do when they wer going to whip him and they would whip him if they Ever caught him they would Shoot him if he would run from them Shoot all through his house through the the wall of his house among his Children and family Just as if he did not have any and they Shot my house and me two on munday Night the 7 inst 1898 because I was pole Judge but I went and done all I could but the republicans all are a scard to come out to the pole and I am a fraid to try to wire to the cherman a bout it for they would kill me as they have others they Have organised a red Shirt Crount which meanes blood carries winchesters and britch loaders with them and the law was that no amunation should be sold and they would not let us have pistoles Guns nor amunation this is not a lection by no meanes and I will swear to that when the land holders would tell this crowd to go do these things on thir place to Dride the repulicans to vote a democrat or not vote at all and this is the way we done to get a chance to stay at home any at night at all we would not vote at all and we beg you to throw

out the Stewertsville No. 3 and this you will do if you do what is write we can't do it I don't want to Sign the blanks but they wont let me Stay at home with my wife and children if I dont do it this you can see as I am drove to do what I dont want to do. All the rest is in same fix this fact dont you forget I know Some of the men by name and others Know them two and can Swear to them that was in the crowd at this work time after time we must be perticular how we talk it if we wants to stay at home or live down here we could have outvoted them if we would have been let vote at all but we could not Get the heart to Vote at all for the way they was doing us at night that is the time they would come on a man and they would Shoot him two they would comence Shooting rite off as Soon as they would get in Sight or reach of the house with a 38 wenchester ball and gather upon the house and shoot it as fast as they could with some 35 or 40 men an guns this would they do untill they would make holes in a mans House that he could look through they Shot me and my family and hit me but happen to not kill any of my children this is my remarks to the cherman of the State you will please notify him for me.

Yours

CALVIN PIPKIN.

This my Post office Hasty N. C.

J. W. USSERY, being duly sworn, deposes and says:

(The counsel for contestee enters an objection and protests to the taking of this witness's deposition for the reason that the five days' notice required by the Revised Statutes of the United States has not been given to the contestee by the contestant, as shown by the notice under which it is proposed to take the deposition and the officer's return thereon, and for the further reason that the witness himself has not received five days' notice required by the Revised Statutes to be given him before he can be made to testify, which, under the ruling of Notary Kelley, entitled the witness to answer such questions, as he sees fit, to answer and to decline to answer all such questions as he sees fit to, under which condition and ruling it is impossible to get any testimony from the witness except such as the contestant is willing for him to give.)

The notaries being of the opinion that they have no power to rule upon the question and therefore proceed with the taking of this deposition.)

Q. State your name, age, and place of residence.—A. My name is J. W. Ussery; my age is near 50 years; I live in Richmond County, Black Jack Township.

Q. Prior to the election of 1898, did a crowd of Red Shirts go to your house or by your house shooting and cursing and making threats against you?

(To this question contestee's counsel objects for the reason that the question is leading, and for the further reason that in the absence of affirmative testimony that the witness was prevented of exercising his right of franchise it is irrelevant and immaterial whether Red Shirts went to his house prior to the election or not, and for the further reason that if the Red Shirts went to witness's house it has not been shown that they were supporters of the contestee, and for the further reason that what was done prior to the election of 1898 is too indefinite and remote as to time to show any effect upon the election.)

A. They went by my house shooting. They came out of the road in the field close to the edge of the yard and shot around the house and cursed me and threatened me if I voted with the damned niggers.

(Answer objected to by contestee's counsel for the reason that it is not claimed or pretended that the witness failed to vote in consequence of this alleged threat, that the time when it was made is not designated and is therefore irrelevant and immaterial.)

Q. When did this happen?—A. Two days before the election.

(Answer objected to for the reason that what occurred two days before the election is too remote to have affected the result of the same, and reiterates his objection that in the absence of evidence of an affirmative character that witness or some other qualified voter was prevented from voting by the alleged conduct of the men who went to witness's house.)

Q. Were you assaulted at the election grounds in Black Jack Township at the election of 1898; and if so, were you assaulted by Democrats or Republicans and what was the general behavior of the Red Shirt Democrats present or on the election grounds in Black Jack Township during the election of 1898?

(Counsel for contestee objects to this question for the reason that in the absence of evidence that witness failed to vote for contestant, and that he desired to do so, and that under the law he was a qualified voter, it is irrelevant and immaterial whether he was assaulted at the election grounds or not or by whom he was assaulted, and for the further reason that in the absence of affirmative testimony that some duly qualified voter in Black Jack Township who desired to vote for contestant was prevented from doing so it is irrelevant and immaterial what the general behavior of the Red Shirt Democrats present or on the election grounds in Black Jack Township during the election of 1898 was.)

A. I was assaulted by three Democrats; the Democrat men were acting like a mob while I was there; there was a young man who lived with me who was a qualified voter and they forced the election officers to throw his vote out, and they shot over the boxes and told them if they did not throw it out they would burst them all to pieces and shoot them all to pieces.

(Answer objected to for the reason that it has not been shown that the young man's vote which is alleged to have been thrown out had been cast for the contestant, and for the further reason that as to his being a qualified voter the testimony of the witness is hearsay, and not of his own knowledge.)

Q. Do you know of your own knowledge who this young man referred to by you in answer to former question voted for in the election of 1898? If so, state.

(Question objected to by contestee's counsel on the grounds that in the absence of affirmative evidence that the young man was a qualified voter under the constitution and laws of North Carolina, it is irrelevant and immaterial for whom he attempted to vote.)

A. I do; he voted for Oliver Dockery, the contestant.

Cross-examination:

Q. How long have you lived in Black Jack township?—A. About twenty months.

Q. Didn't the Fusionists, including Col. O. H. Dockery, the contestant, receive and have declared for them at the election in 1898, a majority of between 50 and 60 votes in Black Jack Township?—A. I do not know; I have heard they got a small majority there.

Q. How many white men who had been against the Democrats until the last campaign went to the Democrats at the last election in Black Jack Township?—A. Not one that I know of; I was not acquainted there until the last election, as I lived in a different township.

Q. Didn't the young man's father, whose vote you claim was taken from the box by the Democrats, say that the young man was under 21 years of age?—A. Yes, sir; he said he was not 21 years of age. I swore he was a qualified voter; I raised the boy and I know his age; he was over 21 years old at the last election; I had his age recorded.

Q. This was the alleged reason given by his father and the Democrats for having his vote taken out of the box, was it not?—A. Yes, sir.

Q. What did the three Democrats referred to by you assault you for—that is, what did they claim they were doing it for?—A. Because I would not take their tickets.

Q. Do you not know that you were only struck by Mr. Ingram, and that because you called him a damned liar?—A. I was not struck by Mr. Ingram, they shoved me, him, and his father, and one Mr. Thrower. I never called him a damned liar, and nobody struck me; but I call pushing me an assault.

Q. Did you vote?—A. Yes, sir.

Q. Did you vote for contestant, Oliver H. Dockery?—A. Yes, sir.

Q. At the time you were assaulted had you voted, or did you vote after that?—A. I was assaulted once before I voted and twice afterwards. Thrower came around after I had voted and shoved me, and said he wanted to get my name so he could have me published for voting with the damned niggers.

Q. Did anybody hit you a blow on election day?—A. They did not.

Q. Did you see anybody else stricken a blow on election day?—A. No, sir; I did not.

Q. A majority of the election officers in Black Jack Township were supporters of Colonel Dockery, were they not?—A. I do not know; I am not acquainted with them.

Q. You were accused by the Democrats with having bogus tickets and trying to make Republicans vote two county and legislative tickets, were you not?—A. I was not.

Q. I ask you if Mr. Ben Ingram didn't charge you with having two different kinds of Republican or Fusion county and legislative tickets; you denied it; Mr. Ingram then pulled the tickets from your pocket and proved to the election officers that you had them and called on them to watch you and see that you did not make the illiterate colored voters vote two legislative and county tickets?—A. No, sir; he never accused me of having any tickets at all.

Q. Who were your tickets handed to you by?—A. By one of the election officers; I don't know which one.

Q. I ask you if they wasn't given to you by a nigger?—A. They were not.

Q. Who did you vote for for justices of the peace in the township in which you live?—A. I did not vote for anybody for justice.

Q. Your party ran two niggers and one white man, did it not, to wit, Charlie Dockery and George Bostick, colored, and S. T. Morse, white, did it not?—A. If they did, I knew nothing about it.

Q. How many nigger magistrates were there in your township previous to the last election?—A. There was only one that I know of.

Q. Do you not know that Amexicus Covington and Ingram Quick, both colored,

were justices of the peace in Black Jack Township?—A. If either one was a magistrate I did not know it; the nigger that I thought was a magistrate was Green Mason.

Q. There wasn't much said about politics in the last campaign, was there; it was almost entirely a race contest, was it not?—A. No more so than it had been heretofore, I don't think; they most always cursed those who voted with the nigger; it was not worse this time than heretofore in my section.

Q. You didn't hear much said about the gold and silver question and the tariff and other questions of national politics in the last campaign, did you?—A. I never heard any speaking at all, except Claude Dockery twice at a schoolhouse somewhere near Lethe, at night.

Q. What schoolhouse was it?—A. I can not tell you; it is near the church.

Q. It is a colored schoolhouse, is it not?—A. I do not know.

Q. You do know that Lethe is a colored church, do you not?—A. No, sir.

Q. Have you not heard it is a colored church?—A. I have not.

Q. What is your opinion about it?—A. I don't know as I have any opinion about it.

Q. How many people were at the speaking referred to?—A. I do not know how many; there was a small crowd, not exceeding 20 or 25.

Q. How many white men were in the crowd?—A. I do not know; there was several; three or four from town.

Q. Is Claude Dockery, who made the speeches which you heard, the son of the contestant?—A. Yes, sir; I think he is.

Q. How many white men do you know who voted the Republican ticket in Black Jack Township at the last election?—A. I don't know of but two.

Q. Did you get any money from the Republicans for doing campaign work in the last election?—A. No, sir.

Q. What is the nickname which your acquaintances have for you?—A. They call me Bill generally.

Q. Have they got any other nickname?—A. No, sir; not that I know of.

Q. Have you not heard of them calling you Catfish Bill?—A. About forty-five years ago they did, when I was a boy.

Q. Besides this have you not heard of another name, to wit: Lying Bill?—A. Allen Tyson, a friend and neighbor of mine, called me that; he is the only man that ever called me that to my face. "I carried some sacks to mill that had letters L. B. on them; Tyson said those letters would not do for his name, and I replied it would do for Lying Bill, and Tyson kept it up on me and that is the way it started.

Q. How much State and county tax did you pay last year?—A. I do not remember; it was not quite a dollar.

Q. Have you ever been deprived of your right to vote in North Carolina, and how long have you been a Republican?—A. I have been a Republican all my life and never was knocked out of a vote.

Q. What time of day was it the men went to your house which you told of in your direct examination?—A. It was in the evening after dark.

Q. You could see them well, could you not?—A. No, sir; I could not see them at all, only by the light of the guns.

Q. Could you see what color their clothes were?—A. I could tell that some of them had a red shirt front by the flash of the pistols.

Q. When did you first tell about this?—A. I told it the next morning to my neighbors, but never made a blowing horn about it.

Q. What was the politics of the neighbor you told?—A. I can not tell you the politics of the man; it was Starling McDonald; they said he voted for the Democrats.

J. W. USSERY.

Sworn to and subscribed this 13th day of April, 1899, before the undersigned notaries public, W. M. Kelly, and Walter L. Parsons.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public*.
WALTER L. PARSONS, *Notary Public*.

CHARLIE LEE, being duly sworn, deposes and says:

(Counsel for contestee protests against and objects to the taking of the deposition of this witness, for the reason that the contestant, Oliver H. Dockery, did not give the contestee, John D. Bellamy, five days' notice of his intention to examine the said witness, and for the further reason that the witness himself was not subpoenaed five days previous to this the day of his examination.)

(Counsel for contestant enters his protest against the objection made by contestee's counsel, for the reason, first, that it is an unnecessary consumption of time, for the further reason that the same objection was made by the contestee's counsel at the commencing of the taking of these depositions, and the same was duly entered in the record by the notaries, and for the further reason that contestant's counsel insists that there is no such provision in the Revised Statutes as requires the giving

of five days' notice by contestant to contestee of the taking of depositions, and if there is any such provision it has been complied with by contestant for the reason that more than five days have elapsed since the notice was served on contestee of the taking of these depositions.)

Q. State your name, age, and place of residence.—A. My age is 56; name, Charlie Lee; residence, Beaver Dam Township.

Q. Where did you live before the election of 1898?—A. I lived on Mr. Bob Nichols's place, in Rockingham Township.

Q. On the day before the election in 1898, did or did not any Democrat or Democrats, or the agent of any Democrat or Democrats, call upon you at your residence or elsewhere and make any threats toward you or tell you what you must or must not do at the election to take place on the next day? If so, state who it was, where it was, and what was said.

(Counsel for contestee objects to this question, for the reason that, it not having been affirmatively shown that witness was prevented from voting for the contestant if he so desired, it is irrelevant and immaterial what threats were made against the witness and by whom.)

A. It was where I was living at. Sandy Nichols came there and told me that his pa said I either had to stay home from the polls or vote a Democratic ticket, and if I did not stay at home, and voted a Republican ticket, I would have to leave.

(Answer objected to because the witness did not stay at home and refrain from voting, or if he did it has not been shown by contestant, nor is it claimed by him that he did remain at home, and counsel for contestee most earnestly protests against the useless consumption of time by contestant and his counsel in taking such irrelevant hearsay as they have been taking at Rockingham, N. C.)

Against this objection counsel for contestant enters his protest and insists the records of these depositions will show that four-fifths of the time consumed in the taking of these depositions has been consumed by counsel for contestee in entering frivolous protests and objections against competent and material questions asked witness by contestant's counsel.)

Q. Did you vote; and if so, did you have to leave?

(So much of this question as asks whether witness had to leave or not is irrelevant and immaterial, and is objected to by counsel for contestee.)

A. Yes, I voted, and I had to leave, too, after voting.

Q. Do you know of any Republicans in your neighborhood who failed to vote in the election of 1898; if so, about how many?

(Question objected to by contestee's counsel, because the answer will necessarily be hearsay and is not the best evidence to be had.)

A. I know one down there that did not vote; Levi Gales did not vote.

Q. Did or did not Mr. Nichols say anything about a general understanding among the landowners in his neighborhood trying to prevent Republican voters from voting?

(Question objected to because it is hearsay, and because it has not been affirmatively shown that any voter in Richmond County was kept from voting, and is therefore irrelevant and immaterial.)

A. Yes, sir.

Cross-examination:

Q. Did you vote for O. H. Dockery at the last election?—A. Yes, sir.

Q. Can you read?—A. I can read a little.

Q. What was O. H. Dockery a candidate for at the last election?—A. I disremember.

Q. Will you swear that it was not for President of the United States?—A. Yes, sir; because no President wan't out.

Q. Who is President of the United States?—A. McKinley.

Q. Who is governor of North Carolina?—A. Judge Russell.

Q. Did you ever live with Governor Russell?—A. Yes, sir.

Q. Who do you live with now?—A. Will McDonald.

Q. He is a prominent Republican and a revenue officer, is he not?—A. I do not know what his business is; I know he is a prominent Republican.

C. H. LEE.

Sworn to and subscribed this 13th day of April, 1899, before the undersigned notaries public.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public*.
WALTER L. PARSONS, *Notary Public*.

HENRY RUSH, being duly sworn, deposes and says:

(Counsel for contestee protests against and objects to the taking of the deposition of this witness, for the reason that the contestant, O. H. Dockery, did not give the contestee, John D. Bellamy, five days' notice of his intention to examine the said

witness, and for the further reason that the witness himself was not subpoenaed five days previous to the day the contestee was notified by contestant of the taking of his deposition.)

Q. State your name, age, and place of residence.—A. My name is Henry Rush; age, 47; residence, Northam Schoolhouse Township.

Q. Did or did not a crowd of men, dressed in red shirts, ride by and shoot into your dwelling house on Saturday before the election in 1898?

(Question objected to by counsel for contestee, for the reason that it has not been shown that the shooting, if there was any, had any effect upon the way the witness cast his vote at the election, and for the further reason that the color of shirts worn by the men who were alleged to have done the shooting is not relevant or material to this cause, and because this question is leading in that it suggests the answer desired by counsel for the contestant.)

A. Yes, sir.

Q. About how many shots were fired into it?

(Question objected to by counsel for contestee, for the reason that it is irrelevant in that it has not been shown that the shooting had any bearing upon the election.)

A. I never saw but three shots.

Q. Did you see anybody wearing red shirts before the election of 1898, except Democrats?

(Question objected to by counsel for contestee for the reason that a man has a right to wear any kind of shirt he wants to, and therefore the question is immaterial.)

A. No, sir.

Q. Was or was not the colored people in your neighborhood badly frightened just before the election of 1898 by reason of the raids made by these Red Shirts?

(Question objected to by counsel for contestee because it is incompetent in that it calls for an answer which can not be within the personal knowledge of witness, but only his opinion.)

A. Yes, sir; they were.

Cross-examination:

Q. Did you vote in the election of 1898?—A. Yes.

Q. Did you vote as you desired to?—A. Yes.

Q. Did you vote for Colonel Dockery?—A. Yes, sir.

Q. Do you know of anyone in your precinct who was prevented by the Democrats from voting in the election of 1898?—A. I know a heap did not vote, so they told me; some of them told me the reason they did vote was because they were afraid they would be put out of their houses.

HENRY (his x mark) RUSH.

Sworn to and subscribed this 13th day of April, 1899, before the undersigned notaries public.

[SEAL.]
[SEAL.]

W. M. KELLY, Notary Public.
WALTER L. PARSONS, Notary Public.

At 4 o'clock p. m. counsel for contestant moved to adjourn to meet at 8 o'clock p. m. of the same day.

Counsel for contestee asks that the adjournment be to 9 o'clock to-morrow morning for the reason that Notary W. L. Parsons has stated that he is unwilling to work day and night, and that he can not be present at 8 o'clock to-night, and for the further reason that it is inhuman and unreasonable for counsel for contestee to be compelled to work when they are broken down physically and mentally and unable to perform their duty to the contestee, and for the further reason that the desire for the counsel for contestant to take depositions at night is not from press of time, as is shown from the fact that there is time left this afternoon to examine as many witnesses as could be examined to-night.

Notary Kelley adjourned to meet at 8 o'clock p. m. and Notary Parsons adjourned to meet at 9 o'clock a. m. on April 14, 1899.

W. M. KELLY, Notary Public.

PHOS BOWDEN, being duly sworn, deposes and says:

(Counsel for contestee objects to the examination of this witness for the reason that the contestee did not receive five days' notice from contestant of his intention to take the deposition of this witness, and for the further reason that the witness himself did not receive the five days' notice which is required by law should be given him.)

Q. On the night prior to the election of 1898 did or did not a crowd of Democrats dressed in red shirts go to your home, armed with guns and other dangerous weapons, and enter your dwelling house? If so, state what was done and said by them on that occasion.

(Question objected to because it has not been affirmatively shown that any duly qualified voter in the section of Richmond County in which witness resides or any other portion of it was deprived of his right to vote, and for the further reason that it is not claimed by the contestant that the witness failed to vote for the contestant if he so desired to do; and it is therefore irrelevant and immaterial what threats were made against the witness on the night before the election.)

A. There came along a crowd in the first part of the night, I suppose about 10 o'clock, and they shot in front of my house, and Mr. Hadley came along and called me out, and my wife and children would not let me go, and some other parties went out and had some words with them, and afterwards the same crowd came back to my house and claimed that some one had cursed them there, and they asked me if I did not curse them. I told them, "No; that I was not outside the door, and that that was language that I did not use, anyway." Then they asked me who did do the cursing, and I told them I did not know. I told them who was there, and Mack Baldwin told them he thought it was Perce Chanler that done the cursing. Then they asked me and insisted that I must go with them down to Perce and Cell's house. My wife and children hollered so that they decided it was best for me not to go. Then they left and went in the direction of Perce and Cell's house. I did not see any more of them that night.

(Answer objected to because it is irrelevant and immaterial what was done to the witness in the absence of affirmative testimony that he desired to vote for contestant and was prevented from so doing.)

Q. Were these parties dressed in red shirts, and were they armed with guns, and did or did they not enter your dwelling house?

(Question objected to because it is immaterial and irrelevant how the men were dressed and whether they did or did not enter witness's house, and because the question is leading.)

A. They were dressed in red shirts, and part of them had guns, and some of them came in my house.

(Answer objected because irrelevant and immaterial, and for the further reason that it is not in reply to any testimony taken by contestee in this case, but is merely cumulative of the testimony heretofore taken by contestant.)

Counsel for contestant protests against this objection, and insists that it is material evidence and is directly in rebuttal to evidence offered by contestee, in which the contestee himself and other witnesses tendered by him swore, or undertaken to swear; that there was no intimidation practiced by the Democrats in this district either before the election or on election day.)

Q. In what township and precinct do you reside?—A. Steeles Township No. 2.

Q. About how far do you live from the polling place in precinct No. 2 of Steeles Township?

(Question objected to because irrelevant and immaterial.)

A. Not over 250 yards.

Q. About how long before the opening of the polls was it that these men visited your house on that night?

(Question objected to because it is irrelevant and immaterial in the absence of affirmative testimony that any duly qualified elector of Steeles Township was deprived of his right to vote for contestant if he so desired to do.)

A. It was about five hours.

Q. Have you been in the habit heretofore of taking part and working for the Republican party in your precinct on election days in elections heretofore held?

(Question objected to because it is irrelevant and immaterial, and counsel for contestant again protests against the useless consumption of time by contestant in asking for irrelevant, immaterial, and incompetent testimony.)

A. Yes, sir.

Q. Did or did you not take part and work for the party on the last election day; and if not, why not?

(Question objected to because it is irrelevant and immaterial, and for the reason that the fact that witness did not work for the Republican party probably benefited the Republican party and injured the contestee in said election.)

A. I did not, because I was in no fix to work by them coming on me that night. I did not know what they aimed to do.

Q. Was or was not the colored people in your community badly frightened just prior to the election of 1898 by the action of these armed bands of Red Shirts parading over the country in the daytime and nighttime?

(Question objected to by contestee's counsel because in the absence of affirmative evidence that some qualified elector of the colored race in Steeles Township was prevented from voting for contestant if he desired to, it is immaterial and irrelevant whether the colored people were frightened or not, and counsel for contestee asserts that a larger colored vote was cast in Steeles Township in the last election than was ever cast before in its history, and challenges contestant to prove to contrary by

competent testimony, and for the further reason there is no evidence that armed bands of Red Shirts marched over the country.)

A. Yes; part of them was.

Cross-examination:

Q. Did you work for all of the Republican ticket at the election before the last?—A. I might not have worked for all of it at the election before the last; I don't know as I did.

Q. What part was it that you might not have worked for?—A. The coroner and one of the senators I did not work for.

Q. Did you work for Mr. Reynolds, the Republican candidate for lieutenant-governor at the election of 1896?—A. I voted for him, but done no work for him.

Q. You did not vote for Col. O. H. Dockery for lieutenant-governor in 1896, when he ran on the Populist ticket, did you?—A. No, sir.

Q. Did you consider him a good Republican then?—A. I did not know; I was fearful that he had left the party.

Q. A man who went over the State denouncing and abusing Daniel L. Russell, the Republican candidate for governor, and Maj. William McKinley, the Republican candidate for the President of the United States, and their policies and principles, and who said that if he had been nominated for governor of North Carolina by the Republican State convention, instead of Daniel Russell, with whom he competed for the nomination for governor, that when the Republicans adopted the gold-standard platform, as they did at their national convention, that he would have thrown the nomination for governor back to the Republicans, with thanks, kept his conscience clear, and followed the standard of William J. Bryan, the great tribune of the people, would you consider such a man to have been a good Republican?—A. I have heard about those things, but have forgotten about it now, and do not care to answer now.

Q. Did you hear that Colonel Dockery said and did those things?—A. I might have heard it, and I might not.

Q. Why did you not vote for him when he ran for lieutenant-governor?—A. He was not on our ticket.

Q. Did you tell me now whether Colonel Dockery has any politics or not; and if so, what it is?—A. Yes, sir; he claims to be a Republican now.

Q. So he has changed since the election of 1896, and not you?—A. Yes; of course he had to come back and get on the right ticket, or I would not have voted for him.

Q. Did you hear Colonel Dockery speak in the last campaign; and if so, did he express sincere repentance for his many misdeeds and vituperation directed toward President McKinley and the Republican party in 1896?—A. No; I did not hear him speak.

Q. Were you told that he had repented for his grievous wrongs in 1896?—A. No, sir; I heard nothing about that.

Q. Did you hear Colonel Dockery speak during the campaign of 1896; that is, the one before the last?—A. Yes, sir.

Q. I ask you if he did not denounce President McKinley worse than any Democrat or Populist you heard speak?—A. No, sir; I never heard that; I heard him say that the party had left him; that he was right where the party had been.

Q. Does he say now that the Republican party has returned to him or that he has returned to the Republican party; or did he just want an office, and would take it from anybody who would give it to him?—A. No, sir; I did not hear him say anything about it, as I did not hear him speak in 1898.

Q. Can you read and write?—A. No, sir; I was deprived of that; I never had the chance to go to school.

Q. Did you vote at the last election for Col. O. H. Dockery?—A. Yes, sir.

Q. Didn't contestant and other Republican or Fusion candidates receive a large majority of at least 50 in the two precincts in Steeles Township?—A. Yes; about that.

Q. It was pretty near a division between the races in the last election, was it not?—A. Yes, sir; more than I ever knew it before.

Q. I ask you if upon the issue of white supremacy raised by the Democrats if almost all of the white Republicans and Populists in Richmond County, except those who were candidates for office, did not desert the colored people in the last election and go to and vote with the Democrats?—A. There was such a change in my precinct.

Q. Don't you think the election in your precinct was fair, and expressed the true will of a majority of the people of your precinct?—A. There was about 20 colored people that did not come; I do not know their reason for not coming, except that it was fair so far as I know.

Q. Is there not always that number, or nearly so, who, because of sickness, absence from home, sickness in their families, and who desire to refrain from taking sides, who fail to go to the election and vote?—A. No, sir; I never knew more than one or two to stay off before.

Q. There was not anyone hurt or any effort made to hurt anybody on the day of election in your precinct, was there?—A. Not that I saw; I did not stay there all day. I heard tell of a little scrimmage.

Q. Wasn't the election orderly and managed by a majority of your party friends while you were there?—A. It was; but outside there was some drinking.

Q. The white people and the colored people are on good terms in North Carolina, and live peaceably together, do they not, except for a little trouble occasionally over politics?—A. Yes, sir; they live peaceable together, except they differ in politics.

Q. Is it not the common talk between the sensible colored men and colored women that the Southern white Democrats are the best friends the colored people have; and is it not true that the better class of colored men and women feel that if the Republican and Populist politicians would cease to excite the colored people about politics it would be much better for the colored people in every material way?—A. I do not know about that.

Q. What office did you hold under the Republican administration in Richmond County, which was voted out by the people at the last election?—A. I was a school committee in our township.

Q. You have resigned since the election; have you not?—A. Yes, sir.

Q. Does the contestant reside in your township?—A. Yes, sir; that is his home.

Q. Who were the other members of the school committee of which you were a member in Steeles Township?—A. Mr. Alex. Bruton, N. G. Nicholson, W. A. Webster, white; John Major Ingram and myself, colored.

Q. Your committee had charge of the schools for both races in Steeles Township, did you not?—A. No, sir; the whites attended to their schools and we attended to ours.

Q. Did not a majority of your committee have to act in order to do anything lawfully?—A. Yes, sir.

Q. Under the school law, if you had chosen to do so, didn't you have as much right to express your opinion and cast your vote about managing the white schools as you did about the colored schools?—A. Of course we did; but we made an agreement not to meddle with each others schools.

Q. Were there any white ladies teaching public schools in Steeles Township during the time you were a committeeman?—A. Yes, sir; there were three or four.

Q. Under the school law, but for this agreement between you and the other committeemen for the whites to look after their schools, and the colored after theirs, it would have been your duty, as a school committeeman, from time to time, to have visited the schoolrooms of these white ladies and observed how they were conducting these schools, would it not? Just as you were required to visit the schoolrooms of the teachers teaching the colored schools.—A. No, sir; I would have resigned before I would have done that; but it was the law for me to have done so.

Q. Do you not know, or if you do not know have you not heard that colored school committeemen in North Carolina during last year did go to the schoolrooms of white lady teachers for the purpose of examining their work as teachers?—A. No, sir, I never heard that.

Q. Did you sign any vouchers for white teachers to draw their pay from the treasurer?—A. I think I did, two or three, but I think at the time they had no daily mail and Mr. Webster lived about 10 miles, and they were sent to me by the teachers for convenience of themselves.

Q. I ask you if it was not the common talk in Richmond County that the white committeemen and the colored committeemen by this agreement made between themselves of which you spoke kept the accounts of the school funds more accurately and caused less bad feeling between the races than was caused by the committee in any other township in Richmond County?

(Question objected to by contestant for the reason that it is immaterial and can not possibly have any bearing on this contest, and for the further reason that whatever may have been the school law in North Carolina or how it was administered can not possibly justify or attempt to justify the many high-handed and bloody outrages committed upon the humble Republican voters of this county by the Red-Shirt Democrats during the campaign of 1898, as has been sworn to by this and the other witnesses tendered to contestee in this case.)

A. Yes, sir; I have heard that.

Q. Was there not great complaint made by the people of all parties, during the year 1898, that the school committeemen in most of the townships of Richmond County failed to keep accurate and proper accounts of the funds belonging to the white and colored schools; that the committeemen were ignorant and incompetent, many of the teachers employed worthless politicians; and did not the whites complain that in portions of the county they were cheated out of their just proportion of the school funds; and did not many of the older and more conservative colored men agree with the whites about this?—A. No, sir; I know nothing much about it over the county. As for ours, we kept it all right.

Q. But have you not heard these things?—A. I may have heard it by one or two of the teachers in the county, but as for it being a common complaint, I do not know.

Q. Can John Major Ingram, the other colored committeeman in your township, read and write?—A. He can.

Q. Have you ever served on the jury in Richmond County?—A. No, sir.

Q. Does not a colored man who votes the Democratic ticket in North Carolina receive bad treatment from the colored people, and is he not in danger of being whipped, ostracised, deserted by his wife, turned out of the church, and made miserable in every conceivable way by his race?—A. In my precinct where I vote they walk up and vote the Democratic ticket if they want to; some of them does at every election, and did at the last one.

Q. So you think the colored man is at liberty to vote the Democratic ticket in North Carolina, if he wants to, without fear of bad treatment from his own race?—A. Yes, sir. I don't think there would be any danger in this part of the State; only in a few precincts there might be some trouble.

Redirect:

Q. Do you know who is supervisor of the public schools in Richmond County and has been for the past two years, and what his politics is? If so, state it.

(Question objected to for the reason that contestant knows that if the supervisor of education of Richmond County is a Democrat that he is one selected by the Fusion officeholders of Richmond County and not by the Democratic party, and for the further reason that contestant well knows that the supervisor of public schools in Richmond County had no power or authority to appoint the other school officers of the county, and that he repeatedly, during the period of fusion and negro mismanagement of the school system of the county, recommended the removal of school committeemen who lacked character and capacity, and his recommendations were unheeded by the Fusion board of education of the county, which board was composed of one negro Republican, one Populist-Republican, and one Democrat; that is, a Democrat selected by the Republicans, and who did not vote in the last election, but who did protest against the appointment of every negro committeeman.)

A. Mr. McClair, who is a Democrat.

Q. Could a school-teacher teach a public school in Richmond County without a certificate from the supervisor?—A. He could not.

PHOS (his x mark) BOWDEN.

Sworn to and subscribed this 14th day of April, 1899, before the undersigned.

[SEAL.]

W. M. KELLY, Notary Public.

DANIEL BALDWIN, being duly sworn, deposes and says:

(Counsel for contestee protests against and objects to the taking of the deposition of this witness for the reason that contestant, O. H. Dockery, did not give the contestee, John D. Bellamy, five days' notice of his intention to examine the said witness, and for the further reason that the witness himself was not subpoenaed five days previous to the day the contestant notified contestee that his deposition would be taken, and for the further reason that it is not in reply to any testimony taken by contestee in this case, but is merely cumulative of the contestant's testimony heretofore taken.)

Q. State your name, age, and place of residence.—A. My name is Daniel Baldwin; age, 57; residence, Steeles Township, Richmond County.

Q. Did you or did you not stay at home and sleep in your own house the last two or three nights before the election of 1898; and if not, why not?—A. No, sir; I was afraid. They came around Phos house, and we were all there, and they had a right smart little quarrel, and I got scared and run off, but they done nothing to me. I do not believe they intended to, but I was scared.

Q. Was it on account of the action of these Red Shirts that you left home?

(This question is objected to by counsel for contestee for the reason that it is leading and that it has not been affirmatively shown who these parties were or that they had on red shirts, or that their actions prevented witness from voting, and is, therefore, incompetent and irrelevant.)

A. Yes, sir.

Q. Was it Democrats or Republicans that wore red shirts in your neighborhood before the last election?—A. It was Democrats, but I believe they were mixed up; Democrats, though, was the principal part.

Q. Did you see a single man who voted the Republican ticket in the last election wearing a red shirt?—A. No, sir; I did not stay at the election.

Q. Was or was not the colored people in your community badly frightened just before the last election by the action of these armed Red Shirts riding over the country in the daytime and nighttime?

(This question is objected to by counsel for contestee because it is incompetent in that it is leading, and because it calls for an answer which will necessarily be based upon hearsay.)

A. Yes, sir; they were scared.

Cross-examination:

Q. Do you know whether the parties who came to Pleas. Bowden's house on the night that you mention were Democrats, Republicans, or Populists?—A. Yes, sir; they were Democrats. They were all mixed together.

Q. You do not pretend to swear, do you, that none of these parties were Republicans?—A. I do not know. They were some of them Republicans, but they had turned that night, I reckon.

Q. Did you see these men and do you know that they were dressed in red shirts?—A. In the forepart of the night they had on red shirts. The last crowd—I do not know what they had on.

Q. Did you vote at the last election?—A. Yes, sir.

Q. Did anyone at the polls attempt to prevent you from voting?—A. No, sir.

Q. Can you read and write?—A. No, sir.

Q. Did you vote for contestant in the last election?—A. Yes, sir.

Q. What office was contestant a candidate for?—A. For Congress.

DANIEL (his x mark) BALDWIN.

Sworn to and subscribed this 14th day of April, 1899, before the undersigned notaries public.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public*.

WALTER L. PARSONS, *Notary Public*.

S. E. KELLY, being duly sworn, deposes and says:

(Counsel for contestee protests against and objects to the taking of the deposition of this witness for the reason that the contestant, O. H. Dockery, did not give the contestee, John D. Bellamy, five days' notice of his intention to examine the said witness, as is required by the Revised Statutes of the United States, and for the further reason that the witness himself was not subpoenaed five days previous to the day on which the contestant notified contestee that his deposition would be taken, and for the further reason that the deposition of this witness is not taken in reply to any testimony taken by contestee in this case, but is merely cumulative of the contestant's testimony heretofore taken.)

Q. State your name, age, and place of residence.—A. S. E. Kelly is my name; I am about 45 years old, and I live in Steeles Township, No. 2.

Q. What is your politics?—A. I am a Republican.

Q. Did or did you not vote in the election of 1898; and if not, why not?—A. I did not vote; I was told if I voted a Republican ticket they would take all I had, and turn me out of a home.

Q. Were these threats made by Democrats or Republicans?—A. By Democrats.

Q. Do you know whether or not threats of this kind were made by Democrats of your township against other Republicans in the election of 1898?—A. I do not.

Cross-examination:

Q. Do you know anyone in your precinct who in consequence of voting the Republican ticket had all they had taken away from them and were turned out of house and home? If so, name them.—A. I do not know of anyone.

Q. What was your politics in the election of 1896?—A. I voted part of my ticket for the Democrats; I did it because they handed out things that I thought was good for the people.

Q. Did you not vote the entire Democratic ticket in the election of 1896; if not, how much of it did you vote?—A. I did not vote the entire Democratic ticket; I split my ticket some, but do not recollect now how much.

Q. Did you not vote for Col. O. H. Dockery, the Populist candidate for lieutenant-governor in 1896?—A. To the best of my recollection, I did not.

Q. How long have you been a voter in North Carolina?—A. About twenty-four years.

Q. Have you voted in every election except the last during that period?—A. I think I have.

S. E. KELLY.

Sworn to and subscribed this 14th day of April, 1899, before the undersigned notaries public.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public*.

WALTER L. PARSONS, *Notary Public*.

D. M. OWEN, being duly sworn, deposes and says:

(Counsel for contestee protests against and objects to the taking of the deposition of this witness for the reason that the contestant, O. H. Dockery, did not give the contestee, John D. Bellamy, five days' notice of his intention to examine the said witness, as is required by the Revised Statutes of the United States, and for the further reason that witness himself was not subpoenaed five days previous to the day on which the contestant notified contestee that his deposition would be taken, and for the further reason that the deposition of this witness is not taken in reply to any testimony taken by contestee in this case, but is merely cumulative of the contestant's testimony heretofore taken.)

Q. State your name, age, and place of residence.—A. My name is D. M. Owen; age, 28 years; residence, Steeles township.

Q. Did you vote for John D. Bellamy in the election of 1898?—A. I did.

Q. Are you what was known in the election of 1898 as a Red Shirts?—A. Yes, sir.

Q. Did or did you not go to Ellerbe Springs together with a large number of other Red Shirts on Monday before the election of 1898; and if you did go, what was your purpose and intention in going there on that day?

(Question objected to by contestee's counsel because it is irrelevant and immaterial.)

A. I did go; I went there with a crowd of other Red Shirts to prevent O. H. Dockery, contestant, from speaking.

(Answer objected to because, in the absence of affirmative testimony that O. H. Dockery was prevented from speaking at Ellerbe Springs by the Red Shirts, it is irrelevant and immaterial what witness's intention, or the intention of other Red Shirts or other persons, may have been.)

Q. Did or did you and the other Red Shirts prevent Colonel Dockery from speaking there that day?—A. I suppose they did.

(Answer objected to because it is only a supposition.)

Q. Was Colonel Dockery there that day; and if so, did he speak?—A. He was there and did not speak.

Q. Do you know whether or not a crowd of Red Shirts followed Colonel Dockery away from there that evening; and do you know what their intention was for so following him?—A. They did. They were going to follow him to Liberty Hill and see that he did not speak there.

Q. Do you know whether or not the Red Shirts were around at Ellerbe Springs on that day or not?—A. Some of them were around.

Q. Were you instructed by the leaders of the Red Shirts as to what time you should go to the election, and what you should wear on that occasion?

(Question objected to because irrelevant and immaterial.)

A. I was. I was told to get there by sun up, and wear a red shirt.

Cross-examination:

Q. How came you to be subpoenaed to be a witness in this case?—A. I do not know.

Q. You turned traitor to the Red Shirts since the election, have you not, and been going around telling Republicans their secrets?—A. I have not; if the Red Shirts have any secrets, it is more than I have ever learned.

Q. Who talked to you about this matter before you were put on the stand; what representative of the contestant?—A. Claudius Dockery asked if I was at the Springs. He is a son of contestant.

Q. So you told him about it before you were put on the stand?—A. I told him I was at the Springs.

Q. You have been in some trouble with the internal-revenue laws since the election, have you not, and indicted in the Federal court for a violation of them?—A. Yes, sir.

Q. Claudius Dockery helped you out of that trouble, did he not?—A. No, sir.

Q. Who did?—A. No one.

Q. Do you not think your testimony in this case may help you out in this indictment by the Government?—A. No, sir.

Q. What lawyer appears for you?—A. I have none yet.

Q. Who do you expect to appear for you?—A. I don't know yet; I will get my lawyer when I get to Raleigh, I reckon.

Q. Didn't Claudius Dockery go on your bond when you were bound over to court by the United States commissioner?—A. The first time I was bound over Mr. D. M. Morrison went on it and the last time Mr. Claudius Dockery went on it.

Q. Did you tell Colonel Dockery on the day before election at Ellerbe Springs that he could not speak there, and that if he undertook to you would assault him?—A. I did not.

Q. Did you hear any other person tell him so? And if so, name the man.—A. I did not hear anyone tell him so.

Q. Do you not know that the Democrats claimed that a speaker of theirs, to wit,

Rev. T. S. Wright, had an appointment to speak at Ellerbe Springs on the day before the election, made previous to the announcement that Colonel Dockery would speak there, and that it had been rumored about that Colonel Dockery had said that if there was a Red Shirt there that day, he would have his shirt taken off of him, and that the Red Shirts went to Ellerbe Springs to insist upon fair treatment and a division of time between Colonel Dockery and Mr. Wright, and that if Colonel Dockery would divide time with Mr. Wright the Red Shirts would not molest or bother him?

(Question objected to by contestant for the reason that counsel for contestee is asking the witness what he had heard and not what he knows, and for the further reason that he is asking the witness about things that never happened except in the evil imagination of the counsel for contestee in this case.)

Counsel for contestee earnestly protests against this intimation from contestant's counsel to the witness as to how to answer said question, and for the further reason that the fact stated to witness, or in his immediate presence, is not true, and that counsel for contestee asked the question in good faith and from knowledge certain that the Democratic organization in Richmond County had announced a speaking for T. S. Wright there on that day, and expressly forbade the Democratic leaders, who went there on that day, to allow Colonel Dockery's speaking to be interfered with further than to insist upon a fair division of time for Mr. Wright, and if that was refused to have Mr. Wright to speak anyway, but not to drive Colonel Dockery away.)

A. If it was I did not know anything about it. I heard nothing about the speaking until that morning; I was fixing to go to work when they came after me.

Q. Do you not know that there was an effort made to get Colonel Dockery to speak and let Mr. Wright divide time with him?—A. I suppose there was.

Q. If Colonel Dockery had done that it would been all right with the Red Shirts, would it not?

(Question objected to for the reason that witness is not supposed to know what would have been all right with that crowd, as he was only a private and not a leader.)

Counsel for contestee protests against this objection, which clearly intimates an answer to the witness.)

A. I do not know.

Q. Were you armed that day; and if so, how?—A. I was not.

Q. How much do you weigh with your red shirt on?—A. Without a red shirt I weigh 150 pounds. I do not know what I weighed with it; I felt like I only weighed about 50 pounds.

Q. Did you kill anybody during the campaign?—A. No; I had no need to.

Q. About how much, in your opinion, does Col. O. H. Dockery weigh?—A. Two hundred, more or less.

Q. Do you think you scared him very badly at Ellerbe Springs?—A. I did not.

Q. Do you think you scared anybody else during the campaign very seriously, or did you try to?—A. I did not, for I did not follow the Red Shirts everywhere they went.

Q. You were a Republican or Populist previous to the last election, or voted, at any rate, with the most of the niggers, did you not?—A. Not altogether.

Q. What are you this afternoon, and what ticket do you intend to vote at the next election?—A. I am a Democrat this afternoon, but no telling how a man's mind might change before the next election, but I expect to vote the Democratic ticket.

Redirect:

Q. You stated in your cross-examination that you supposed there was a proposition made to Colonel Dockery to divide time with Mr. Wright, and that if he had accepted it he would have been all right; that he would have been allowed to speak; did you hear anybody make such a proposition as that to Colonel Dockery?—A. I did not.

Q. About how many Red Shirts do you suppose were at Ellerbe Springs that day, and about how many pistol shots were fired?

(Question objected to.)

A. I think there were about 200 or 300, and there was so many pistol shots I do not think I would miss it if I were to say 500; it would not be enough.

D. M. OWEN.

Sworn to and subscribed this 14th day of April, 1899, before the undersigned, notaries public.

[SEAL.]
[SEAL.]

W. M. KELLY, Notary Public.
WALTER L. PARSONS, Notary Public.

WILLIAM M. HAILEY, being duly sworn, deposes and says:

(It is agreed between contestant and contestee that the same objection entered to the previous deposition of D. M. Owen shall apply, and is entered to this one.)

Q. State your name, age, and place of residence.—A. William Morris Hailey is my name; age, about 26 years; residence, Wolf Pit

Q. Where did you reside during the campaign of 1898?—A. In Lower Williamsons, near Masons Cross.

Q. Did you register for the election of 1898 in that precinct, and did you vote?—A. I registered, but I did not vote.

Q. A short time before the election of 1898, did or did not a crowd of armed men come to your house in the nighttime and assault you? If so, state as near as you can what was done and said by them on that occasion.—A. Yes, sir; they came there and broke open the house, and taken me out and whipped me, and they asked me if I was going to the election grounds. I first said, "Yes, sir," and then I said, "No, sir." And after they got through whipping me they told me to go and have my name taken off the registration book.

Q. What did they whip you with, and were you whipped bad?—A. I do not know what they whipped me with, for I was lying on my face, but I was whipped very bad.

Q. About how long before the election was this?—A. On Thursday night before. The election was Tuesday.

Q. How long did you remain in that country after you were whipped?

(Question objected to.)

A. I left on Saturday morning after I was whipped on Thursday.

Q. What is your politics?—A. When I vote, I vote the Republican ticket.

Q. Was or was not the colored people in the community in which you then lived badly scared by the action of these men going over the country and whipping negroes in the nighttime?

(Question objected to as incompetent, and for the reason that it is based upon supposition.)

A. I was scared; some said they were scared, some said they were not.

Cross-examination:

Q. Where did you live before the campaign of 1898?—A. In Wolf Pit Township.

Q. When did you go to Williamsons Township?—A. I do not know exactly; I had been down, I think, about two years.

Q. What political party do you belong to?—A. I do not know what that means.

Q. Was O. H. Dockery, the contestant in this case, a candidate for office in the election of 1896?—A. Yes, sir; I reckon he was.

Q. For what office?—A. I do not know what office.

Q. Did you vote for him in the election in 1896?—A. I do not know whether I did or not.

Q. Was he a candidate for office at the last election?—A. I reckon he was.

Q. For what office?—A. I do not know.

Q. Were you registered in Wolf Pit before you moved to Masons Cross?—A. No, sir; I had to come back to register.

Q. Who did you register before when you came back?—A. I do not recollect.

Q. In what township did you vote in 1896?—A. In Wolf Pit.

Q. How long had you been in Williamsons before you came back to Wolf Pit to vote?—A. I do not know how long, but it was not very long. I went from Wolf Pit to Williamsons about the time they were plowing corn and planting corn. They plant corn about March, and this was in 1896. I went to Williamsons, and I remained and worked in Williamsons until a short time before the last election.

W. M. HAILEY.

Sworn to and subscribed this 14th day of April, 1899, before the undersigned, notaries public.

[SEAL.]

[SEAL.]

W. M. KELLY, Notary Public.

WALTER L. PARSONS, Notary Public.

JAMES QUICK, being duly sworn, deposes and says:

(It is agreed between contestant and contestee that the same objection entered in the previous deposition of D. M. Owen shall apply and be entered to this one.)

Q. State your name, age, and place of residence.—A. James Quick; age, 38 years; I live in Williamsons Township—I mean Scotland.

Q. Were you registered and prepared to vote in Lower Williamsons precinct in the election of 1898?—A. Yes, sir.

Q. Are you a Democrat or a Republican?—A. I am a Republican.

Q. Did you vote in the election of 1898, and if not, why not?—A. No; because I was scared.

Q. What were you scared of?—A. I was scared of the red-shirt men.

Q. Did parties in that precinct make any threats toward you during the campaign of 1898? If so, what were they?—A. Yes, sir; they said they were going to take me out and whip me.

Q. In consequence of these threats did you leave Williamsons Township before the election of 1898, and if so, how long did you remain away from there?—A. Yes. I stayed away about five months.

Cross-examination:

Q. When did you go back?—A. On the 15th of March, 1899.

Q. When did you leave?—A. Before the election. I can not tell the month. It was two weeks before the election.

Q. I understand you to answer counsel for contestant that you were registered and prepared to vote in the last election; tell me what preparation you had made?—A. I made no more preparation than to register. I registered in 1896.

Q. Do you know O. H. Dockery, the contestant in this case?—A. No, sir; I don't know him.

Q. Do you know whether or not he was a candidate for office in 1896?—A. I do not know it, but I heard it.

Q. For what office?—A. I don't know, sir.

Q. Did you vote for him in 1896?—A. I guess I did.

Q. Was he a candidate in 1898?—A. I don't know, sir.

JAMES (his x mark) QUICK.

Sworn to and subscribed this 14th day of April, 1899, before the undersigned, notaries public.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public.*

WALTER L. PARSONS, *Notary Public.*

W. A. McDONALD, being duly sworn, deposes and says:

(Counsel for contestee protests against and objects to the taking of the deposition of this witness for the reason that contestant, O. H. Dockery, did not give the contestee, John D. Bellamy, five days' notice of his intention to examine the said witness, and for the reason that the witness himself was not subpoenaed five days to the day the contestant notified contestee that his deposition would be taken; and for the further reason that it is not in reply to any testimony taken by contestee in this case, but is merely cumulative of the contestant's testimony heretofore taken, and if in rebuttal, the five days' notice has not been given.)

Q. State your name, age, and place of residence.—A. Name, W. A. McDonald; age, 44; residence, Rockingham Township, precinct No. 1.

Q. What official position do you hold, if any?—A. Deputy collector of internal revenue.

Q. Were, or were you not, present at precinct No. 1, in Rockingham Township, on the day of the last election; and if so, were the polls at that precinct surrounded by Red Shirts, and did you hear any shooting at or near the polls on that day?—A. I was present at the election, and there were some 30 or 40 Red Shirts present, and I heard shooting from about 3 o'clock a. m. until about 6 a. m. The polls opened about 7 o'clock. I don't remember hearing any near the polls.

(Question and answer objected to by contestee's counsel for the reason that in the absence of affirmative testimony that any duly qualified elector was deprived of his right to vote in precinct No. 1 of Rockingham Township, it is irrelevant and immaterial whether there was shooting or not; the taking of this testimony is further protested against on account of the absence of Walter L. Parsons, associate notary, who refused to attend the night meeting of Notary Kelly, and contestee is unable to get another notary to associate with Notary Kelly.)

Q. Were you in Rockingham on the occasion of Tillman's speaking on Saturday preceding the election of 1898?—A. Yes.

Q. Was or was not the town full of Democrats dressed in red shirts and red necks on that day?

(Question objected to by contestee's counsel because it is irrelevant and immaterial, because the Democrats had a right to come to Rockingham dressed in any manner they saw fit to dress so that it hid their person.)

A. Yes; some one thousand or more.

Q. What was the general behavior of the Red Shirts and Red Necks here that day on that occasion?—A. The Red Shirts behaved fairly well, and the Red Necks were rowdy and cutting up and taking the town.

Q. Don't you know and is it not a fact well known that the intimidation and bribery practiced by the Democrats of Richmond County during the campaign of 1898, and especially just prior to the election of 1898, prevented many Republican voters from registering and prevented many of those who were registered from going

to the polls on election day and casting their ballots as they desired to do?—A. I know of no bribery, but there was a good many kept from the polls on account of intimidation by the Democrats.

(Question and answer objected to by contestee for the reason that it is nothing but the opinion of the witness, and hearsay, and not the best evidence to be had of why the voters who did not vote were prevented from doing so.)

Q. What is the difference between a Red Shirt Democrat and a Red Neck Democrat?—A. A Red Shirt Democrat is one who can buy his own shirt; a Red Neck Democrat is one who the Red Shirt Democrats was afraid to trust with a whole shirt and would place a red piece of calico around his neck.

Cross-examination:

Q. What do you think would have been the result of the election in Richmond County if the Democrats had not resorted to the acts which you call intimidation?—A. I believe it would have gone Republican, or Fusion, by some seven or eight hundred majority.

Q. Is it not a fact that a great many men who had previously been Republicans joined the Democrats?—A. I know of a few that did.

W. A. McDONALD.

Sworn to and subscribed before me this 14th day of April, 1899.

[SEAL.]

W. M. KELLY, *Notary Public*.

J. W. McLAUCHLIN, being duly sworn, deposes and says:

(Counsel for contestee protests against and objects to the taking of the deposition of this witness for the reason that contestant, O. H. Dockery, did not give contestee, John D. Bellamy, five days' notice of his intention to examine the said witness, and for the reason that the witness himself was not subpoenaed with five days' notice to the contestee that his deposition would be taken; and for the further reason that it is not in reply to any testimony taken by contestee in this case, but is merely cumulative of the contestant's testimony heretofore taken, and if in rebuttal, the five days' notice has not been given.)

Q. State your name, age, and place of residence.—A. Name, J. W. McLauchlin; age, 37; residence, Laurinburg, N. C.

Q. Did you vote in the election of 1898?—A. I did.

Q. Do you know many other colored people who voted at your precinct? If so, how many?—A. I think it was four.

Q. About how many colored voters were registered in your precinct?

(Question and answer objected to because the registration book is the best evidence of how many voters were registered.)

A. I don't remember about that, but I think there was about 175.

Q. Were you in Laurinburg on the day of the big Democratic Red Shirt parade, at which the Hon. Claude Kitchen spoke, just before the election of 1898?—A. I was not.

Q. Was or was not the colored people in the lower end of Richmond County badly scared and frightened both, just before the election of 1898, by the action of the Red shirt Democrats riding over the country in the day time and night time, shooting, and cursing, and whipping negroes?

(Question objected to because it is leading, and because it assumes that to be true which is not true and which has not been proven.)

A. Yes.

Q. What effect, if any, did the killing of Phil. Dudley by the Red Shirts, just prior to the election of 1898, have on the colored people of Laurinburg and community?

(Question objected to because it is leading, and because witness does not know who killed Phil. Dudley, if he knows the effect it had.)

A. It affected them, and it weakened the intention of a great many who would have gone to the polls; but I do not know who killed him.

Q. At the time you voted, did anyone interfere or have anything to say to you about your voting; and if so, state what it was?

(Question objected to because it is immaterial and irrelevant as to what was done, as the witness voted.)

A. I was not interfered with, but was asked my name and where I lived.

Q. Do not you know, and is it not a fact that the intimidation practiced by the Democrats during the campaign of 1898, in and about Laurinburg, such as riding over the country in the night time, dressed in red shirts, whipping negroes and committing outrages of various kinds on Republican voters, prevented many Republican voters, and especially colored Republican voters, from registering, and caused a number of those who had registered to have their names erased from the registration books, and caused or prevented practically all of those who were registered from going to the polls and voting or offering to vote?

(Question objected to because it is leading, and for other reasons which he does not now state.)

A. Yes, I do.

(Counsel for contestee, being present, and asked if he desired to cross-examine the witness, says he does not.)

J. W. McLAUCHLIN.

Sworn to and subscribed before me this 14th day of April, 1899.

[SEAL.]

W. M. KELLY, *Notary Public*.

GEORGE W. MORGAN, being duly sworn, deposes and says:

(It is agreed between the counsel for contestant and the contestee that the same objections that was entered in the taking of the previous deposition of D. M. Owen shall apply and is entered to this one, and for the further objection because notice of the taking of this deposition was not served at all on contestee.)

Counsel for contestant protests against this objection and exhibits the original notice which shows by the official return of G. Walter McKae, sheriff of New Hanover County, which shows that due notice of the time and place of the taking of the deposition of this witness was served on contestee, John D. Bellamy.)

Q. State your name, age, and place of residence.—A. George Morgan; 49; Richmond County; Rockingham Township.

Q. Where were you working previous to the election of 1898?—A. I was working about two miles from Laurinburg, at Mr. Archie Leach's.

Q. Did or did you not leave that section just before the election of 1898; and if so, what were your reasons for so leaving?—A. Yes, sir; I left. I left because things was so rough there that I was scared.

(Question and answer objected to because it is irrelevant and immaterial, in the absence of testimony that witness did not vote for contestant if he desired to.)

Q. What do you mean when you say that things was so rough there that you were afraid to stay?

(Question and answer objected to.)

A. What I was afraid of—they were cutting up so there of a night and going on, and I was afraid they might get hold of me and frail me too, as they was frailing their own niggers down there.

Q. Who do you mean was doing this cutting up at night?—A. I do not know who it was doing the whipping, of my own knowledge.

Q. Who did you and other Republicans think it was?

(Question objected to because he is not asked to tell anything that he knows, and it is entirely hearsay.)

A. It was generally conceded that it was the Red Shirt crowd of white men.

Q. Was any of the houses of colored people in Philadelphia, the town in which you live, shot into the night before the election of 1898?

(Contestee objects to witness stating anything except what is in his own knowledge.)

A. I was told that Turner Covington's and Camer Wall's were.

(Answer objected to.)

Cross-examination:

Q. Who are you working for now?—A. For Miss Sallie McDonald, here in town.

Q. Who did you work for before you worked for her?—A. Mr. Claude Sandford.

GEORGE MORGAN.

Sworn to and subscribed this 15th day of April, 1899, before the undersigned, notaries public.

[SEAL.]

W. M. KELLY, *Notary Public*.

[SEAL.]

WALTER L. PARSONS, *Notary Public*.

Hon. OLIVER H. DOCKERY, being duly sworn, deposes and says:

(It is agreed between the counsel for the contestant and the counsel for the contestee that the same objection that was entered in the taking of the previous deposition of D. M. Owen shall apply, and is entered to this one.)

Q. State your name, age, and place of residence.—A. My name is Oliver H. Dockery; I am 70 years old; I live and always have lived in Richmond County.

Q. Were you a candidate for a seat in the Fifty-sixth Congress of the United States from the Sixth district of North Carolina in the election of 1898; and if so, what party or parties were you the candidate of?—A. I was a candidate, and was nominated both by the Republican and Populist parties for that position in two separate and distinct conventions held a few weeks apart in different counties in the district.

Q. Did you, as such candidate, make a canvass of the Sixth district of North Caro-

lina in the campaign in 1898?—A. I did, pretty thoroughly, except in the county in which I was born and have ever since lived.

Q. In making this canvass in the different counties of the district, did you see or observe any evidence of intimidation practiced by the Democrats against the Republican and Populist voters of the said district?—A. I did; very heavy in some localities, but existing unblushingly in all.

Q. During the early part of the canvass did you visit the county of New Hanover one or more times, in which county the city of Wilmington is situated; and if so, what was apparently the condition of things existing in said city at that time?

(Question objected to by contestee's counsel because the time inquired about is too remote from the day of election to show any material effect upon the election, and for the further reason that in the absence of affirmative testimony that some qualified voters of New Hanover County who desired to vote for the contestant were prevented from doing so. It is irrelevant and immaterial what the condition of affairs in the early part of the campaign may have been in the county of New Hanover.)

A. I did visit the city several times, perhaps a half dozen, remaining therein from one to three or four days at a time, and took occasion one or more times to canvass almost every part of that city, and was from my examination and investigation thoroughly satisfied with the outlook for the Republican party, which outlook so remained uninterruptedly until after the publication of Mr. Chadbourn's first letter. I was satisfied at the harmony existing between the Republican and Populist parties, and could see no evidence in the world of dissatisfaction, want of energy, or uneasiness about the result. With Mr. Chadbourn and several others, instead of going to church on Sunday, I visited one or more of the county officers and took from the records thereof a list of the names of every negro officeholder in that city. I have the same figures now at home in my possession, and knowing all the time that this cry of negro domination was intended for political purposes and the greed for office, I was startled at the result. Very soon thereafter, however, the Democratic leaders induced him—Chadbourn—I am told and I believe, to prepare a very different and antagonistic statement, done, it was said, to sustain this clamor of negro rule to frenzy the public mind and capture with prejudice the unthinking masses.

Mr. Chadbourn, after obeying orders, as I have been told by responsible men, fled to the North and there remained until the battle was about over. I saw, up to that time, but one negro policeman in the city, and he was on the outskirts of the city, and several Democrats in the different county offices in clerical positions seemingly contented and happy. Once or twice after that I went to Wilmington, passing through the city in my canvass and not remaining long at any one time in that city, and I found the feeling was very much embittered and much bad blood aroused, which culminated in the revolution which followed.

(Answer objected to by contestee's counsel because it is in the nature of an argument upon political conditions in North Carolina previous to the last election, and more suitable for a fusion campaign stump speech than legal testimony containing only the witness's opinion, based upon hearsay and entirely irrelevant and immaterial to this contest, and will only be important, if important at all, in future political contests in North Carolina; and to so much of said answer as purports to give contents of any record of any office or officers in New Hanover County without producing said record or even the memorandum, which witness says he has in his possession, is objected to especially by contestee's counsel.)

Q. Did or could you see, at the time of your first visits to the city of Wilmington, any evidences of the many outrages claimed by the contestee and other Democratic speakers during the campaign of 1898 to exist in that city at that time?

(Question objected to because of the fact that witness did not see the many outrages, burglaries, robberies, deadly assaults, injuries composed of characterless and ignorant negroes, negro deputy sheriffs ruffianly in their administration of their offices, white women assaulted on the streets and in the street cars by drunken negro men and women, and scarcely any of the offenders brought to justice, is no evidence that those wrongs and outrages were not committed by the so-called Republican party, or these vendors using the name of the Republican party, for their own wicked purposes.)

A. I saw nor heard nothing of the sort on my first visits; but, on the contrary, as much apparent security among the ladies of the city and their promenades on the streets as existed anywhere, I presume, in North Carolina, with perfect feeling between the leaders of all three of the parties, which continued until the Democratic newspapers sent their reporters down there, vying with each other with regard to the exaggerated statements needed in other parts of the State of North Carolina.

Q. Would any sane man have written and published any such letter as Chadbourn's second letter was, coming, as it did, right upon the heels of the first, and contradicting, as it did, every material fact set out in his first letter unless he had been forced to do so, or some undue influence brought to bear upon him?

(Question objected to because it is improper for the witness to swear to mental capacity of any citizen from the single act of his having corrected, as an honest man should have done, a publication which he at least professed to have found, after further investigation, to be misleading and incorrect, and for the reason if anything is indicated by such an act it is sanity and honesty.)

A. From a common-sense point of view I should say emphatically he would not. Whether from the want of sanity or a depraved heart I can not say.

Q. Is it not a fact that the Republicans of New Hanover County were forced, by threats made by the Democrats of bloodshed and otherwise, to take down their ticket in New Hanover County, and not vote or offer to vote for any county officers at the election of 1898?

(Question objected to because it is irrelevant and incompetent.)

A. I was not in the city when the matter was, as is said, forced on the leaders of the Republican party, and as soon as I heard it I went immediately to Wilmington to protest against it, stating that I had more at stake in the result than any Republican in the district, and that if we went down I believed in doing so with my back to the field and my face to the foe, on the ground that such demands are unprecedented in our once glorious country, and by which the dearest and most treasured rights and privileges of a free people are not only endangered but absolutely sacrificed at the behests of a lawless mob; but the matter had proceeded so far that I could do nothing, for intimidation was rampant all over the city.

(Answer objected to because it is hearsay and the opinion of the witness, when a question of party policy for the Republicans of New Hanover County.)

Q. Did you, Governor Russell, Senator Pritchard, and Senator Butler have an appointment to speak in the city of Wilmington just prior to the election of 1898; and if so, did you speak; and if not, why not?—A. There was an appointment made for us, and, neglecting one or more others of my appointments, I went down to Wilmington to fill the bill so far as my part of it was concerned, but on getting there I found the appointment had been withdrawn, on the grounds that the lives and property of the good people of that city would be endangered. The other speakers were not there, and I was advised, contrary to my own wishes, to drop it, too.

Q. Did you have an appointment to speak in the town of Rockingham on Saturday before the election of 1898; and if so, did you speak; and if you did not speak, why did you not?—A. I did have the appointment, as had been my custom for years. I withdrew it, however, when I heard that Tillman and his infernal Red Shirt crew would be here and claim the day. I wanted no conflict or trouble with them, and voluntarily surrendered my claim to them that day.

(Question and answer is objected to because it is irrelevant and immaterial.)

Q. Did you have an appointment to speak at Ellerbe Springs on Monday before the election of 1898; and if so, did you speak; and if you did not speak, why did you not?—A. I did; I did not speak. I went with two friends from Rockingham to Ellerbe Springs on Monday morning, having abandoned my appointment at Rockingham on Saturday before because it was monopolized by the Red Shirts, and I supposed that change would be satisfactory, and that at the Springs I would be unmolested. Just as I was driving in the gate of the Springs inclosure, an infernal yell of frenzied demons greeted my ears, who came down to the Springs yelling at a furious rate, firing their pistols and running their horses at full speed through the grove, approaching me at each round more closely. I spent four years of my life in Brazil, where they have neither law, order, nor government, and there, nor anywhere else, have I ever witnessed such ridiculous and outrageous demonstrations against any man in a so-called free or heathen country. I did not count them, but there must have been all of from 150 to 200 men on horseback, all, I think, in red shirts, and in their mad furore there must have been from 800 to 1,200 pistol shots, shooting, apparently, indiscriminately. After a while, when they found they could not run us, some of the men approached me and told me that I had best to leave; that my life was at stake. I replied that during the 1870's I went through the Ku Klux ordeal in Sampson and other counties, and I tell you, as I told them then, you may kill me, but you can't scare me. This ugly demonstration continued for some time, and several men came to me and asked me when I was going to speak; others wanted to know when I was going to leave. My answer, when I got ready and not before; that I was now standing within 6 miles of the place of my birth and within 6 miles of the grave of my honored father, who had done as much for the good people of the county as any man who ever lived in it, and died an honored citizen and with stainless character. Finding that I would not be moved in a direction contrary to my own wishes, a gentleman approached me and suggested a joint discussion between a certain noted Baptist preacher and myself. I declined peremptorily, stating that that was my own individual appointment and that no man had any right to interfere with it without my consent. I remained some longer, and having another appointment at night in another county, or 15 miles from where I then was. I went to my buggy and as I got in it there was another regular Comanche Indian yell, which was continued until I got out of sight. These fellows, supposing that I was going to another precinct not far

off, followed me with the same ugly demonstrations, declaring I should not speak in the county.

Q. Were you advised there that day by prominent Democrats of Richmond County that your life was in danger if you offered to speak or if you remained there?—A. Yes.

Q. Is it not a fact, and if not of your own knowledge, haven't you sufficient information to satisfy you that it is a fact, that many Republican and Populist voters throughout the Sixth district of North Carolina were prevented from registering, and that many of those who did register were forced to have their names taken off the registration books, and many of those who were registered prevented from going to the election on election day and voting by the intimidation practiced by the Democrats throughout the district, and especially that practiced by them just prior to the election?

(Question objected to because the evidence of the voters themselves is the best evidence to be had, and the answer of the witness can not be more than his opinion based upon hearsay.)

A. I say, emphatically, yes; I talked with thousands of them over the district and urged a great many, especially the colored people, to go to the polls and vote for the maintenance of their own rights; the general reply thereto was that I was right but in view of the shipment of guns and all the machinery of bloodshed, they had rather lose their privileges than their lives.

Q. Is it not a fact that this intimidation and acts of violence, perpetrated by the Red Shirt Democrats upon the Republican voters throughout this country, become so fearful and terrific just before the election of 1898 as to cause Daniel L. Russell, governor of North Carolina, to issue and publish a proclamation commanding and directing the people of North Carolina, and especially the people in certain counties in the Sixth Congressional district, to desist from further acts of violence?

(Question and answer objected to because the evidence is secondary and not the best evidence.)

A. It did.

Q. Is it not a fact that John D. Bellamy, the contestee in this case, was charged by the Republicans and Populists of Brunswick County with advising and procuring the Democratic returning board of that county to throw out the entire Populist vote in the county of Brunswick in 1892, and thereby elect his brother to the legislature or State senate, and is it not a fact that he has never been able to successfully contradict or refute this charge?

(Question objected to by contestee's counsel because it does not ask for the truth but for simply a charge alleged to have been made by the Populists of Brunswick County, and the witness's opinion as to whether it has been refuted or not.)

A. Yes, it is a fact that he was so charged; whether he has refuted it or not I do not know.

Cross-examination:

Q. Did you have a contest for the Republican nomination for the House of Representatives before the district convention of the Sixth North Carolina Congressional district in 1898; and if so, with whom?—A. I did, with several. There was Dr. R. M. Norrant and R. M. Croom; I don't think anybody else.

Q. Did you authorize any person to represent to the district convention that you would accept the nomination for Congress from the Republicans upon a platform indorsing the Administration of President McKinley?—A. I do not remember that I did, but if it was to do over now, I would, emphatically.

Q. Did any person have a right, from representation made by you, to represent you to that convention as a Republican, as Republicanism was declared at the last national convention of that party?—A. They did not.

Q. Have you not heard that such representations were made, in the district convention where you were nominated by the Republicans, by your friends and supporters?—A. I suppose I have heard it.

Q. Did you expend, or authorize any person to expend for you, any sum or sums of money to procure the Republican nomination for Congress, or did any son or other relative of yours, within your knowledge derived from said son or relative, expend any sum or sums of money for the purpose of procuring your nomination?—A. Neither at that convention nor at any other at which I have ever been nominated for any office have I ever authorized the expenditure of any money in my interest. If any relative or other parties did, I never refunded it.

Q. Do you know or have you been told by any son of yours that he expended any money for the purpose of procuring the Republican nomination for Congress in 1898 for you?—A. Not that I recollect of.

Q. Did not your leading competitor for the nomination for Congress claim that the convention was irregularly held and that you were nominated by misrepresentations as to your politics and by the use of money?—A. I don't know what he claimed.

Q. Did he not (I refer to Dr. R. M. Normant, of Robeson County) declare himself an independent Republican candidate for Congress; and, if so, why did he claim that he did so, after having been a candidate before the convention which nominated you, and how did you procure his withdrawal from the race for Congress?—A. He did declare himself an independent candidate for Congress; I suppose that he claimed that he did so because he wanted the office; he withdrew voluntarily after he was nominated for the legislature by the Republicans of Robeson County, and afterwards I paid him a part of his expenses, as was agreed on between us—as I would do again.

Q. What was the sum of money that you paid to Dr. R. M. Normant—what amount?—A. That you will not know from me.

Q. Do you positively decline to answer the foregoing question?—A. I have answered it once, and shall no more.

Q. Since the election has Dr. R. M. Normant, according to public announcement, been appointed postmaster of the town of Lumberton, N. C.?—A. He has, and I am glad of it.

Q. Did you indorse his application for that position?—A. I don't remember that his application was ever handed to me; if it was, I indorsed it, and if he or any other of his friends asked me to write a letter for him, I did it.

Q. What is your best impression as to whether you wrote such a letter or not?—A. I have no recollection about it.

Q. Did you not hear that Dr. Normant, while a candidate for Congress and after your nomination, charged that you were unfairly nominated and that you were not a Republican, and for these reasons and others were not entitled to the support of Republicans in your race for Congress?—A. I don't remember distinctly about that, but it is quite likely I saw it in the Democratic newspapers.

Q. You were nominated for Congress by the Populist convention some two weeks or more after you were nominated by the Republican convention, were you not?—A. I think it was about two weeks afterwards.

Q. Did you represent to the Populist convention which nominated you, or did you authorize any person to represent to that convention, that you were a Populist upon questions of national politics, in whole or in part? If in part only, please state upon what question or questions.—A. My answer is I never claimed to be a Populist and never told anybody that I was, as I recollect; I was in favor of bimetallicism and voted for Mr. Bryan in 1896, and prefer bimetallicism yet, if it was practical; I supported Mr. Bryan and canvassed the State for him.

Q. Have you heard that it was represented in the Populist district convention which nominated you for Congress, by influential Populist friends of yours, that you were a good Populist?—A. I never heard it and do not believe it ever occurred; if so, it was unauthorized by me or any of my immediate friends; I was nominated by the Populist convention in Raleigh for the position of lieutenant-governor on the State ticket two years ago, which position I never accepted or declined, but canvassed the State, notwithstanding, in favor of bimetallicism, stating everywhere in my speeches that I should decline the position of Lieutenant-Governor if elected.

Q. Was there not considerable dissatisfaction manifested by some of the Populists of the district over your nomination for Congress, and did you not hear that some of them, particularly Mr. Keith, of New Hanover County, charged that you were nothing but a Republican and not entitled to the Populist nomination?—A. Mr. Keith and one or two others did growl some, but afterwards Mr. Keith went with me where I were speaking and advised my hearers to support me, and I believe he voted for me unless he was scared by the Red Shirts, and that I don't believe, after a thorough canvass of most of the district, that I lost a single Republican or Populist vote because of my monetary views; if so, I have never heard of it.

Q. Did you represent to the Populists, either in your speeches or in conversations with them during your canvass in 1898, that as a member of Congress, if elected, you would support the free and unlimited coinage of silver at the ratio of 16 to 1 without waiting for the aid of any other nation?—A. I suppose I did, presuming that this so-called Democratic party was honest in its professions of bimetallicism and devotion to the rights and liberties of the people, I meant it. Now, after recent developments, I am confident they care but little for either, and for nothing else save the honors and emoluments of office, and I believe they will betray Mr. Bryan, who is an able statesman and good man, and that the Ku-Klux and other exhibitions of purpose in the South, and especially in a portion of North Carolina, satisfies me beyond a peradventure that they care nothing for Bryan, nothing for bimetallicism, and less still than nothing for the rights, liberties, and interests of the laboring element of our people, which is entitled to the protection of the law, for upon their shoulders rests alone the support and well-being of this once great country; that the principle of taxation and representation once jarred the earth, and the brilliant light of our Republic in consequence of that grand principle shot up into the highest heavens, attracted the downtrodden of all the world, and that now between following that party which has undertaken to undermine the very foundation stone of our Government, which

course, if persisted in, will undermine the entire fabric, and old-fashioned Republicanism, which respects and regards the rights and principles of the masses, between these two issues I am henceforth and forever an unflinching Republican.

Q. If you should succeed in this contest in having Mr. Bellamy unseated, and his membership in Congress given to you, will you advocate, on appropriate occasions for debate upon the question, and if occasion offers vote for, the free and unlimited coinage of silver at the ratio of 16 to 1, as you have just said you supposed you promised the Populists to do during your campaign in 1898?—A. My answer to the former question is a proper answer to this one; but my present purpose is no longer to affiliate in any shape or form with any party that ignores entirely certain great elementary principles of government, not even for free silver itself, and that I shall in future follow the brilliant star of Republicanism, which has attracted the admiration of the world.

Q. But will you please just tell me whether you will advocate the free and unlimited coinage of silver and gold at the ratio of 16 to 1, without waiting the aid or consent of any other nation? Please say yes or no to this simple question; I mean if you are seated as a member of Congress.—A. My answer is simply this: I have answered it three times, and shall not answer it again.

Q. Do you object to saying yes or no to it?—A. I don't answer it any further.

(The counsel for the contestee insists that notaries force the witness to answer this question yes or no, allowing him to give such explanation of his answer as he sees fit and proper to do.)

Counsel for the contestant protests against this motion, and insists that the notaries have no power or authority to instruct the witness as to what kind of an answer he shall make or not make to any question, and insists that they instruct the counsel for contestee to proceed with his questions if he desires to examine this witness further.)

Q. Will you kindly give me a responsive answer to this question: If you are seated as a member of Congress as a result of this contest, will you advocate and support the free and unlimited coinage of gold and silver at the ratio of 16 to 1, or will you oppose it?

(Question objected to for the reason that it is irrelevant and immaterial and can possibly have no bearing upon this contest, and for the further reason that contestant is not now asking, nor does he intend to ask, for a seat in the Fifty-sixth Congress for any vote that he may be able to cast after he is so seated, but is asking for his seat in Congress for the reason that he believes and expects to show to the committee and House of Representatives that if there had been a free and fair expression of the will of the people at the election held in 1898 that he would have received a majority of the votes cast.)

A. If seated I will exercise my own discretion and act as the interest of my people demands, and will cheerfully vote for the free coinage at any ratio advocated by the Republican party, for in its good intentions I have great faith, but none in the other (the Democratic party).

Q. How about any ratio advocated by the Populist party, one of the parties whose candidate you were, and whose voters supported you for Congress?—A. I was nominated by both the Republican and Populist parties; I am under no more obligations to one than I am to the other on the money question, and my last answer is my final answer, and that both voted for me. (Last answer made after some considerable unnecessary consumption of time.)

Q. Early in the year of 1898 were you not considering being a candidate for Congress as the nominee of the Populist and Democratic parties, and did not you amicably entertain such a suggestion from some of your Democratic friends?—A. I was approached by a good many Democrats and Populists and some silver Republicans, who suggested my candidacy on that issue, and I was considering it, but not early in the year of 1898.

Q. Did you not write a letter during the year 1898, saying that you were willing to lead the fight in this Congressional district for free silver and white supremacy?—A. If I did I have no recollection of it; I don't think I did.

Q. Wouldn't you have accepted the nomination of the Populists and the Democrats for Congress if both nominations had been tendered you?—A. It may be possible that I would have done it a few years ago, but I would not under any sort of circumstances now, for I abhor the Democratic party.

Q. You canvassed a large portion of the State in 1896 for William J. Bryan's Presidential electors and William A. Guthrie, the Populist candidate for governor of North Carolina, did you not?

(Question objected to because it has been answered.)

A. I canvassed the Seventh Congressional district in their interest, and a few other counties.

Q. Did you not charge in that canvass that the Republican party had left you, and that William McKinley, the Republican candidate for President, had gone back upon

his record while a member of Congress upon the financial question, and say that you would never return to the Republican party until the fight of the masses for the free coinage of silver had been won?

(Question objected to for the reason that the witness has heretofore given his reasons for not having anything further to do with the Democratic party, which reasons, if true, are good and sufficient reasons.)

A. My answer to this is that at that time I was a very ardent bimetallist and, perhaps, did use some extravagant expressions, but that my devotion at that time to bimetallism was as profound and deep as possible; but now I find that there is no good in the Democratic party.

Q. How much good do you think there is left in the Populist party, in national affairs?

(Question objected to because it is irrelevant and immaterial, and for the further reason that it only asks for his opinion.)

A. A foolish question, and I shall not answer it.

Q. Do you believe in any of its principles of national politics?

(Question objected to for the reason that it is irrelevant and immaterial, and for the further reason that witness has already stated that he is a bimetallist and, with that exception, he is with the Republicans.)

Counsel for contestee insists that witness has made no such exceptions.)

A. I prefer bimetallism to a single standard, if it can be practically obtained.

Q. Do you think it practicable to obtain bimetallism by the people of the United States, or do you favor the abandonment of the contest for it?

(Question objected to for the reason that it is irrelevant, immaterial, and incompetent, and can possibly have no bearing on this contest, and the counsel for the contestant most earnestly insists that the counsel for contestee shall confine his cross-examination to this witness to such questions as could in some way have some bearing on this contest.)

A. All the questions asked me for the last hour are totally irrelevant to this issue, and I give notice now, after I partially answer this question, that I shall pay no attention to similar interrogatories after this. My answer to this question is simply this, there is a possibility of securing bimetallism whenever the Republican party indorses and inaugurates a movement in that direction, and not before, as I think the history of the Democratic party fully establishes.

Q. How about the history of the Populist party?

(Question objected to because it is irrelevant and immaterial.)

A. It has nothing to do with this contest, and I shall not answer it.

Q. Were you not a candidate before the Republican State convention of North Carolina of 1896, for the office of governor?

(Question objected to because it is incompetent, irrelevant, and immaterial, and for the further reason that whatever may have happened in 1896 can not possibly have any bearing on this contest.)

Counsel for contestee insists that this line of examination is competent on cross-examination for the purpose of ascertaining the intelligence and character of the witness, it being a well-established rule of evidence that anything may be asked upon cross-examination which tends to establish the character of a witness, and further insists that it is not the province of the witness to decide upon the competency or incompetency of questions asked him.)

A. Question not germane to the question, and will not be answered.

Q. Did you decide upon this course with reference to questions of this character after consultation with your attorneys during the recess taken by the notaries for supper?

(Question objected to for the reason that it is incompetent and irrelevant, and for the further reason that there is nothing in the records of this court showing that a recess has been taken for supper, or that there has been a consultation between the witness and his counsel, and it is a fact that no such thing did occur.)

A. This question is not germane to the issue, and will not be answered.

(Counsel for contestee hereupon insists that notaries require the witness to answer questions propounded by counsel for contestee, as he believes the statutes of the United States empower them to do.)

Counsel for contestant protests against the above and insists that witness has properly and intelligently answered the question, and further insists that the notaries have no power or authority to instruct or force witness to answer any question, and counsel for contestant further insists, and does most earnestly request counsel for contestee in this case to ask witness competent and material questions on this cross-examination, if he knows or can think of any such questions.)

(No authority being shown the notaries, conferring power on them to force witness to answer questions he is unwilling to answer, they decline to exercise any such powers.)

Q. Did you or did you not, or did not influential Republican friends of yours receive a sum or sums of money from the friends of Senator Allison, Levi P. Morton, or some

other contestant against William McKinley for the Republican nomination for President of the United States; and if so, was it not to be used to carry the Republican State convention and district conventions in North Carolina for some other candidate than William McKinley; and if so, how much, and how was it expended? (Question objected to by contestant's counsel for the reason that it is incompetent, irrelevant, immaterial, and malicious.)

A. Question not germane, and I decline to answer.

Q. Did you not seek the Republican nomination for governor of North Carolina after you were satisfied that the Republican national convention would declare for the single standard of gold until such time as the other great nations of the earth would join the United States in adopting the bimetallic standard?—A. Question not germane to the issue, and I decline to answer.

Q. After you were defeated for the Republican nomination for governor in 1896 by Daniel R. Russell did you not declare that if you had been given the nomination and the Republican convention had declared for the gold standard as it did at St. Louis, you would have thrown the nomination back to the Republicans with thanks and declined to sell your manhood and devotion to the interests of the masses of Americans for any office within the gift of the gold-standard crowd, or words substantially to that effect?—A. Not germane, therefore I decline to answer.

Q. Did you not charge that Daniel L. Russell or his supporters cheated and swindled you out of the Republican nomination for governor in 1896?

(Question objected to for the reason that whatever Daniel L. Russell or his supporters done in 1896 can have no bearing in this case, and therefore is irrelevant, incompetent, and immaterial.)

A. Question not germane to issue, therefore I decline to answer.

Q. On the Sabbath on which you testified in your direct examination that you assisted in making a list of the negro officeholders in the county of New Hanover, please tell me into what offices you went to find the records of the negro officials and who assisted you in making the list of which you spoke in your direct examination?—A. I went into the sheriff's office only myself, and there were a number of gentlemen, eight or ten, I think, among whom was F. E. Wallace, G. Z. French, acting sheriff; Chadbourn, the postmaster, who had procured a list of officeholders as published to the world by Chadbourn in his first letter.

Q. You do not know of your own knowledge whether the first publication by Chadbourn contained a true list of the negro officials of the county of New Hanover and the city of Wilmington or not; do you? Do you not judge alone from the representations and investigation made by your associates on the occasion of your visit aforesaid; and were you not unable yourself to get from the sheriff's office a true list of the negro officials in all departments of the county's government, and no information whatever from his records of the negro officials in the city government?—A. No; of my own knowledge, I don't know, outside of the sheriff's office, whether Chadbourn's letter contained a true list of the negro officials in the county of New Hanover and in the city of Wilmington, but I was assured by these gentlemen, who were familiar with the facts in the case, that it was correct and taken directly from the books in the different offices.

Q. Were there any negro officeholders or politicians present and assisting in making up the list?—A. There were negroes present, but none to my knowledge who had any agency in getting up the list.

Q. Were the negroes present officeholders themselves, or do you know?—A. I do not now remember that there was a negro officeholder present, for it was intended to be a conference at my instance with these white gentlemen to present the true facts in the matter, and I believe they did, and the statement remained uncontradicted, so far as I am aware, until it became necessary to move a step further in the determined line of revolution.

Q. If you had made this publication as Mr. Chadbourn did, and had subsequently discovered that it was untrue or erroneous and misleading, would you not have considered it your duty as a sane and honest man to have made a second publication correcting such errors and misstatements as it contained?—A. Most assuredly I should, and if upon a discovery of my mistake I should have amended my statement openly and boldly, and remained in the community and faced the music, and not have fled the ground as Chadbourn did and remained the balance of the campaign away from home, leaving my friends at the mercy of these ignorant and vicious negro officeholders, whom his party of so-called reformers found the dominating power of the city of Wilmington and the county of New Hanover. An honest man would scarcely be guilty of such great indiscretion, and it looked as if he was ashamed of his work and was determined to get away and stay from the scene of action.

Q. Will you swear upon your own knowledge which publication of Mr. Chadbourn's, the first or the second, contained the true statement of the negro officials of New Hanover County, in the city of Wilmington, and the true condition of the

governmental affairs of the said city and county?—A. From the brief opportunity of investigation I had to make, and from opinions and statements of men in whom I had perfect confidence, it was the first publication, which was not sufficiently alarming and must be changed, and Mr. Chadbourn, whether from compulsion or threats, was the willing tool to execute the desired work.

Q. Do you swear that he did it from compulsion or threats?—A. I can not swear that, but I believe with many other good men it was one or the other, to answer the purposes of this bloodthirsty crowd.

(So much of this answer as expresses the witness's belief is objected to by counsel's counsel.)

Q. Mr. Chadbourn, who made these publications of which you have spoken, is the postmaster of the city of Wilmington, a Republican, and appointed to said office by President McKinley, is he not?—A. He is the postmaster of Wilmington and was appointed by Mr. McKinley, and supposed to have been a Republican, and was acting in good faith with the leaders of his party, prominent in its counsels until for some unaccountable reasons he was induced by some means to change his base, and whether from chagrin or not I can't say.

Q. What is the general character in New Hanover County and, if you know it, in North Carolina of G. Z. French, who was acting sheriff of New Hanover County in 1898?

(Question objected to for the reason that witness has not been qualified as to the character of G. Z. French.)

A. I think G. Z. French's character as a business man in New Hanover County is fairly good. He has been acting sheriff for several years under heavy bond without any serious charges of misconduct against him. I do not know anything about his moral character outside of the Democratic newspapers. He, I believe, is suspected, and perhaps charged, with improper use of public moneys during the days of reconstruction, when many leading and prominent Democrats led the van, among others a Democrat the biggest rogue that ever lived in the State.

Q. Did you not say to a colored man on the Carolina Central Railroad train during the last campaign that you had armed yourself and the Republicans ought to do likewise, or words to that effect?—A. I do not remember any such statement that I made last year or any year recently, for I have not carried a pistol nor a gun for any such purpose in twenty years, but in view of subsequent revelations, if I had the same right to make over again I certainly should go prepared to defend myself.

Q. Did you not say to the colored people in a speech made by you at or near Lilesville, in Anson County, on the night before the election in 1898, that they ought to lynch any colored man who voted the Democratic ticket in that election, or words to that effect?—A. I do not think there was anything said, directly or indirectly, on that occasion, for that I have always purposely refrained, living, as I do, in a large negro community, from saying anything to incite prejudice or passion between the races, but did say repeatedly last fall that any negro, knowing the future that was ahead of him in the event of Democratic supremacy in the State, ought to be ashamed of himself and his family should rebuke him therefor.

Q. There were many negroes in office in portions of North Carolina, were there not, during the year 1898?—A. I suppose there were, but the Democratic party, in 1876, I believe, set us the example by appointing 107 negro magistrates, by one act, in these so-called eastern negro counties.

Q. Do you not know that in 1876, when the right to elect magistrates was taken from the people of the respective townships of the State and the appointing power assumed by the legislature of the State, that by compromise to get the measure through the legislature assuming this appointing power it was agreed that the representative from each county should select the magistrates for his county, or a certain portion of them, and that under this understanding or agreement the Republican members of the legislature selected for the counties which they represented these 107 colored magistrates of which you spoke, and that your brother, H. C. Dockery, who was then a member of the State senate from a district comprising Richmond County, had the first negro magistrate appointed who ever held office in Richmond County, and that leading Democrats of the legislature of 1876 filed an earnest protest against the appointment of these magistrates and the abuse of privilege by the representatives who were allowed to name them?

(Question objected to for the reason that it is incompetent, irrelevant, and immaterial, and for the further reason that what happened the past generation and not this can not possibly affect this contest.)

A. About any so-called compromise I never heard of, but both houses of the legislature were Democratic, and the Democratic party, of course, had the power to control this matter, but did not do it, and can not escape responsibility of the act. A few unimportant Democratic members, seven or eight in number, did enter their protests against the appointment of negro magistrates, but many of the leading lights in that body, among whom was Thomas M. Holt and Thomas J. Jarvis, who were

afterwards governors of the State,* nominated and elected by the Democratic party, were members of that body and voted for these negro magistrates and went into the governor's office at the instance of this so called reformed white man's party with all that negro stench upon their garments, and I have never heard that they were denounced, ostracised, or abused for that vote. At that time the fight between the two parties, Republican and Democratic, was which of the two should control the negro vote of the State, and the Republican party whipped out the Democratic party on that line, and ever since the Democratic party has been clamorous against the poor negro because it could not control his vote.

Q. Do you mean to say that the Democratic party in its great campaign of 1876, led by ex-Governor Vance, contended for the negro vote in North Carolina?—A. I don't think the negro at that time was a distinct issue in the campaign of 1876, but nevertheless the Democratic party, true to its instincts of insincerity and duplicity, appointed more negroes to office by one single act of their body than anybody that had ever held positions in the State before that time; and it comes with a bad grace from its leaders at the setting the example of that appointment to be so clamorous to white supremacy and abuse of others who are comparatively guiltless of such extreme folly.

Q. Do you mean to swear that these magistrates of which you speak were the first negro officials in North Carolina and set the example for the election and appointment of those who have been appointed and elected by the so-called Republican party of the State?—A. What I meant to say was simply this, and did say that by one single act that Democratic body appointed more negro magistrates to office than were known in the previous eight years of their freedom.

Q. But the Republicans did appoint or elect the first negroes who held office in North Carolina after the freedom of the negro, did they not?—A. Perhaps they did appoint the first, but it remained with the white man's party to make a general assault on his own race by such hitherto unprecedented numbers of negro magistrates.

Q. After the session of the legislature of 1876, did you ever hear of the appointment or election of another negro magistrate in North Carolina until the overthrow of the Democratic party by the fusion between the Republicans and Populists in 1894?

(Question objected to for the reasons that it is incompetent, immaterial, and irrelevant, and the counsel for contestant here and now enters his most solemn protest against the prolongation of this cross-examination, which has now consumed more than nine hours, and during which time not a single competent question has been asked the witness by contestee's counsel, and upon the face of all of them it is perfectly apparent to this counsel and must be apparent to any reasonable man that this examination has not been continued for the purpose or intention of eliciting anything from the witness that would benefit contestee in this case, but for the purpose of delaying the examination of other witnesses desired to be examined by the contestant in this case, and it now appearing to the counsel for contestant that it is near the hour of midnight Saturday night, and he does most earnestly protest against the further prolongation of this examination.)

Counsel for contestee asserts that it is untrue that he has prolonged this cross-examination for the purpose of preventing other witnesses from being examined, and called the attention of the notaries to the fact that counsel for contestant gave the contestee's counsel notice that he did not desire to examine any other witness, and only notified him a short while ago that he did desire to change his mind about it and examine another witness; that contestee's counsel has been perfectly willing to adjourn the meeting of the notaries and contestant himself and his counsel insisted that the examination should proceed to a finish, and that contestee's counsel has been greatly delayed by the witness refusing to answer questions put to him by counsel, and does not intend to prolong the cross-examination further than he deems it to the interest of the contestee for him to do, but is now willing and anxious for an adjournment until Monday morning, when the cross-examination can be completed.

Counsel for contestant protests against the above, and insists that it was well known to the counsel for contestee that contestant desired to examine other witnesses in this case here to-night, for the reason that he had in his possession the notice served by contestant on contestee of the names and the time and the place of the taking of these depositions, and insists that this cross-examination proceed, for the reason that contestant's counsel and the notary, W. M. Kelly, has given notice to contestee that they will take the deposition of certain witnesses in this case in the town of Laurinburg, in the county of Scotland, commencing next Monday morning at 9 o'clock a. m.

Counsel for contestee asks notaries to find the facts between counsel for contestant and contestee as to whether counsel for contestant gave notice that he did not desire to examine any other witness except the one on the witness stand or not.

Counsel for contestant protests and objects to the above and insists that notaries find nothing as a fact, but that they let the record and notices speak for them-

selves. Counsel for contestee, satisfied with the refusal of counsel for contestant to let the truth be found by the notaries, and it now being very late at night, asks that the further examination of this witness be postponed until Monday morning at 9 o'clock.

Counsel for contestant protests against this and insists that the examination will proceed, for the reason that it will be impossible that himself or the notary, W. M. Kelley, can be present.

Last question withdrawn.)

Q. Are you asking to be seated as a member of Congress in this contest; and if not, do you intend to ask for an amendment of your complaint so that you can ask to be seated?—A. I am asking to be seated.

Q. What acts of intimidation do you know of, of your own knowledge, in the county of Mecklenburg; and what acts of intimidation do you contend were committed in that county?—A. I do not intend to try to specify. The records will show.

Q. Can you specify of your own knowledge any act of intimidation in the county of Mecklenburg by which any qualified voter who desired to vote for you was prevented from doing so?—A. It's of no consequence for me to know these things individually if I establish them publicly, which will be abundantly done.

Q. Please say whether you know of such an act or not in that county?—A. It's not necessary for me to go any further in this matter; all that is necessary is to establish irregularities, which will be done at the proper time. If I knew of twenty such cases, I would not give them here to-night. My case will be established by witnesses who saw these things. I, making a canvass, could not see and know these things as well as others. I may not know anything myself, of my own knowledge, but might prove a great deal by other parties.

Q. You decline, then, to tell what you know, of your own knowledge, about intimidation in Mecklenburg County?—A. I have, in general terms, covered the whole field in my main examination.

Q. But ought you not to submit to a cross-examination upon your general and direct examination to see what instances you based your general conclusions upon?—A. My statement was made, as I have already said, in general terms; to ask me to give individual instances, I cannot do it; for many of those instances of intimidation were obtained on the public highways from men whom I did not know and could not give their names, but will undertake to give by others who know the facts.

Q. What act of intimidation can you give, from your own knowledge, in the county of Union?—A. It is not necessary for to give a single instance so I establish it; that satisfies the law.

Q. What act of intimidation, which prevented any voter in the county of Anson from voting for you, can you give?—A. It is not necessary for me to give a single instance so I establish the fact; that satisfies the law.

Q. In the three counties of Mecklenburg, Union, and Anson, what acts of intimidation which prevented qualified voters who desired to vote for you from doing so, which you have learned of from reliable sources, and give the sources, can you name? (Question objected to for the reason that his answer will necessarily have to be hearsay, and for the further reason the witness has already testified as to what he knew of his own knowledge.)

A. For answer I refer you to the record of the depositions taken in these counties.

Q. What acts of intimidation or fraud can you give in the county of Robeson and the county of Columbus?—A. A plenty of them, as will be shown by the records.

Q. Can you give any from your own personal knowledge; and, if so, please do it?—A. I do not feel under any obligations to undertake to answer any such specific questions, of my own knowledge, in a district composed of nine counties.

Q. What instances of intimidation or fraud can you give, of your own personal knowledge, in the counties of Pender and Brunswick?—A. The records will be completed in a few days and will show for themselves.

Q. Can you add anything from your own information, of a specific character, to the records? If you desire to; please do so now, or forever hereafter hold your peace.

(Question objected to for the reason that this witness's testimony will be a part and parcel of this record and will speak for itself.)

A. I am not going to say whether I can or not; I appeal to the records, which will be completed in a few days and open to your inspection.

Q. Did not the Democrats regain a great many white votes in the Sixth Congressional district of North Carolina on their cry, whether sincere or insincere in making it, of white supremacy in the last campaign?

(Question objected to because it asks the witness for his opinion and not what he knows.)

A. They claimed by irregularities and intimidation and other villainous expedients to have done so.

Q. Did it not cause at least some natural and lawful changes?—A. Outside of intimi-

datation and red-shirtism I doubt very much whether the changes amounted to anything much or not, and such changes, if there be any, in my view were superinduced by means entirely foreign to all ideas of honest and fair elections.

Redirect:

Q. In your opinion, what brought about and what was the cause of the riot in the city of Wilmington on the day after or the second day after the election in which a number of colored people and white people (Republicans) were driven out of that city, and a number killed?

(This question is withdrawn by the contestant's counsel.)

O. H. DOCKERY.

Sworn to and subscribed this 15th day of April, 1899, before the undersigned, notaries public.

[SEAL.]

W. M. KELLY, *Notary Public.*

[SEAL.]

WALTER L. PARSONS, *Notary Public.*

W. I. EVERETT, clerk superior court of Richmond County, N. C., being duly sworn, deposes and says:

(John D. Bellamy, contestee, objects to the taking of this deposition for the following reasons: First, that contestee took no testimony in this matter in Richmond County, and that the contestant has no right to take the evidence of this witness in reply to any testimony taken by him; second, that five days' notice of the taking of this deposition was not given the contestee.)

Counsel for contestant protests against this objection, first, for the reason that the statute does not require the contestant to give five days' notice to the contestee of the time and place of taking the deposition of the witness, and for the further reason that contestant claims that the election in the Sixth Congressional district was illegal and void, and not that of any one county, and that contestee has taken testimony at certain points in the district, and contestant insists that the evidence of this and the other witnesses which he now proposes to examine will be directly in rebuttal of the evidence of contestee himself in this case, who swore, or attempted to swear, when examined as a witness for himself, that no intimidation was practiced by the Democrats in the Sixth Congressional district in the election of 1898.)

Q. State your name, age, and place of residence.—A. Name, W. I. Everett; age, 64 years; residence, Rockingham, Richmond County, N. C.

Q. Are you clerk of the superior court of Richmond County, and as such clerk do you have the custody of the registration books of said county?—A. I am clerk, and have the custody of the books.

Q. Are these the books turned over to you by your predecessor in office as the registration books of Richmond County?—A. They are; and judging from the superscription on the books, they are the registration books.

Q. Have you counted or do you know the number of names on these registration books?

(Question objected to for the reason that the books themselves, or a certified transcript of the same, are the best evidence of their contents.)

A. I have not counted and do not know the number of names.

Q. In your opinion, what is the population of Richmond County?

(Question objected to because it asks for the opinion of witness.)

A. I have no basis upon which to make calculation.

Cross-examination:

(Counsel for contestee being present and asked if he desires to examine the witness, says he does not.)

W. I. EVERETT.

Sworn to and subscribed before the undersigned, notaries public, this 21st day of April, 1899.

[SEAL.]

W. M. KELLY, *Notary Public.*

[SEAL.]

WALTER L. PARSONS, *Notary Public.*

A. M. LONG, being duly sworn, deposes and says:

(John D. Bellamy, contestee, objects to the taking of this deposition for the following reasons:

First. That contestee took no testimony in this matter in Richmond County, and that the contestant has no right to take the evidence of this witness in reply to any testimony taken by him.

Second. That five days' notice of the taking of this deposition was not given the contestee.

Counsel for contestant protests against this objection for reasons stated in the protest entered to the objection made by counsel for contestee to the evidence of W. I. Everett.)

Q. State your name, age, and place of residence.—A. Name, A. M. Long; age, 40 years; residence, Rockingham, N. C.

Q. What is your occupation?—A. I am postmaster.

A. Are you chairman of the Republican executive committee of Richmond County and were you chairman in the campaign of 1898?—A. Yes.

Q. Have you been examined as a witness in this case before?—A. Yes.

Q. Were you present when W. I. Everett, clerk of the superior court of this county, was examined as a witness in this case this morning?—A. I was.

Q. Were you present and did you see the books that he identified as the registration books of Richmond County?—A. Yes.

Q. Have you counted and do you know the number of names of registered voters contained in those registration books?

(Question objected to for the reason that the books or a transcript of the same is the best evidence.)

A. Yes.

Q. What was the number of registered voters in Richmond County in the election of 1898 as shown by the said registration books?

(Objected to for the reason stated to the prior question.)

A. Five thousand seven hundred and ninety-nine.

Q. Did you count the number of names that were marked off the registration books in Williamsons, Laurelhill, Springhill, and Stewartsville townships which were not marked removed or dead; and if so, what was the number?

(Question objected to for the reason given to the two previous questions.)

A. I did, and there was 508, and no causes were assigned for marking any of them off, except by request, which was entered opposite some of their names.

Q. Had not these 508 names been marked off what would have been the number of registered voters in Richmond County in the election of 1898 as shown by the books?

(Question objected to for the reason that the books, or a transcript of the same, is the best evidence.)

A. Six thousand three hundred and seven.

Q. Have you examined the record of election in the clerk's office; and if so, what was the number of votes cast for Congressmen in the election of 1898 in Richmond County?

(Question objected to for the reason that the record is the best evidence and can not be proved by parol.)

A. I have, and the record shows that Bellamy received 2,712 and Dockery received 1,672 votes; total votes cast for Congressmen in the county, 4,384.

Q. In your opinion what was the population of Richmond County the 1st day of November, 1898?

(Question objected to for the reason that the opinion of the witness is not competent.)

A. Basing my opinion upon the registration books, it would be in the neighborhood of 31,535.

Q. Did you, as chairman of the Republican executive committee of Richmond County, receive a number of letters from Republicans of different portions of the county bearing upon the political conditions that existed in their neighborhood at that time?

(Question objected to for the reason that the witness was asked the same or a similar question when heretofore examined in this contest and for the further reason that the letters themselves are the best evidence of their contents and can not be proved without being produced.)

A. I did.

Q. Among the number mentioned by you did you receive four from W. H. Cooper, dated as follows: October 23, 1898; November 1, 1898; November 4, 1898, and November 15, 1898, and one from the letters? [Here counsel for contestant handed the witness the letters.]

(Question objected to for the reason that the contents of the letters are merely hearsay testimony.)

A. Yes; I received them, and those are the letters.

(Here counsel for contestant asks that the letters identified by the witness be marked "Exhibits A, B, C, and D" and made a part of this deposition. Letters objected to the reason that they are only hearsay testimony.)

Q. Among other letters received by you, did you receive the following letters: One from A. J. Butler, dated October 12, 1898; and one from W. H. Cox, dated October 15, 1898; and two from James L. Cooley, dated October 17, 1898, and October 21, 1898; and if so, are these the letters?

(Question objected to for the reasons given to the introduction of former letters.)

A. Yes; I received them, and these are the letters.

(Counsel for contestant asks that the letters identified by the witness be marked "Exhibits E, F, G, and H" and be made a part of this deposition. Letters objected to for the reason that they are hearsay testimony.)

Cross-examination:

Q. What in your opinion was the population of Richmond County on the 1st day of November, 1896?—A. I do not remember.

Q. How many registration books were present before W. I. Everett when his testimony was taken to-day?—A. Eighteen. There was one precinct (Upper Steeles) that we could not find.

Q. Does the number of voters—5,799—that you gave include any that were marked "challenged"?—A. Yes.

Q. Does it include any marked "dead or removed"?—A. No.

Q. Does it include any marked "gone"?—A. No.

Q. Was not O. H. Dockery, contestant in this case, a candidate for lieutenant-governor on the Populist ticket at the election in 1896?—A. Yes.

Q. At that time was he not a pronounced free-silver man?—A. Yes.

Q. Was he not at that time entirely out of harmony with the Republican party in this county and in this State?—A. Of my own knowledge I do not know, but have heard that he voted the Populist State ticket and county Republican ticket.

Q. Was he voted for generally by the Republicans in this county in the election of 1896?—A. I think not.

Q. Did you hear him make a speech in the campaign of 1896?—A. No, sir; I don't think I did.

Q. Do you know whether he is a free-silver man now or not?—A. No; I do not. I have not talked with him lately.

Q. For the last two years or more is it not right difficult to keep up with his views on the financial question?—A. I think he has been considered a silver man.

Redirect:

Q. Are the voters of precinct No. 1 in Steeles Township included in this 5,799; and if so, from what source did you get your information as to the number of registered voters in that precinct in the election of 1898?—A. Yes; they are included. I got my information from the registrar a few days before the election, after the registration had closed.

(Answer objected to for the reason that witness gives a conversation with the registrar, which is only hearsay and incompetent.)

Q. Do you know what the election law of 1898 required the registrars of the various precincts to have their books show on election day? If so, state it.

(Question objected to for the reason that the statute law itself is the only competent evidence of what the law is, and for the further reason that the question is not in reply to anything asked on cross-examination.)

A. If I understand your question right, it requires the books to show the name, age, and residence of the voter on the registration book.

A. M. LONG.

Sworn to and subscribed this 21st day of April, 1899, before the undersigned notaries public.

[SEAL.]
[SEAL.]

W. M. KELLY, *Notary Public*.

WALTER L. PARSONS, *Notary Public*.

EXHIBIT A.

LAURINBURG, N. C., October 26, 1898.

DEAR UNCLE: Pink Quick received a letter last night threatening him if he took any part in the coming election—said that he would be attended to if he voted in this election. I understand that a good many of the colored people have been threatened in the same way. Alex Smith, a colored man, told me to-day that Berry Bryant told him that if he didn't stop having anything to do with the election he would be whipped by the Red Shirts; he also told him that he had better not go to the polls on day of election. They are scaring the colored people down here and I am very much afraid that they will keep a good many away from the polls. Everything seems to be very quiet here to-day. Gus failed to see Smith yesterday. I told Gus about what you and I were talking about. He said that was all right and he would do anything to help me. I will try and keep you and Uncle Zack posted as to what is going on here.

The Laurinburg Exchange is red hot this week; notice it.

Your nephew,

W. H. C.

EXHIBIT B.

LAURINBURG, N. C., *November 1, 1898.*

DEAR UNCLE: This is a big day here for the Dems. They commenced this morning about 4 o'clock by shooting a negro name Phill Dudley. The negro's house is riddled with bullets. This was just outside of town. They then went to J. A. McBryde's place and whipped three negroes nearly to death. They then went over in (New Town) where the negroes live and broke down Murdock Shaw's door and somebody else door. The negroes are scared nearly to death, and I don't very much if some of them will go to the polls next Tuesday. I did not go to the speaking to-day, but a party told me that Kitchen told the crowd to take the election if they could not get it otherwise.

I look for some poor negro to get whipped again to-night. Every time they have speaking down this way they always whip some negro before they adjourn. It looks like they don't intend to allow any of the negroes to vote at all. All the farmers are making the hands that stay on their places take their names off the books or promise them that they will not vote.

I heard that the negro that was shot last night will die. The doctor says that there is no chance for him to live. He is shot through the bowels. A negro told me that he (the one that was shot) said he knew several of the parties in the crowd, and told their names to some negroes that went to see him.

They say that the bed in the house was riddled with Winchester bullets. The people here say that it was the South Carolina crowd that did it, but I don't think so.

I will do what I can here. Hope you are well.

Your nephew,

W. H. C.

EXHIBIT C.

LAURINBURG, N. C., *November 3, 1898.*

DEAR UNCLE: Everything is quiet. Several of the colored people are getting letters signed "Red Shirts." Sink Finck and W. P. Evans both got one this a. m. The letters stated that if they went to the polls on election day that their life would pay the penalty. I doubt whether Sink will go anywhere near the polls. Evans is in bed with fever. Sink is thinking very strong of resigning as judge of election. I have been talking to him and tried to persuade him to hold on; I don't know whether he will do it or not. There is no other news. I heard that Henry Monroe (col.), was whipped Tuesday night. I don't know whether it is true or not. He lives in Laurel Hill Township.

Your nephew,

W. H. C.

Will Everett and W. F. Long were here yesterday. Long was talking to Sink Finck and several other negroes. Don't think he did any damage.

EXHIBIT D.

LAURINBURG, N. C., *November 4, 1898.*

DEAR UNCLE: Yours received. Cox will go up there to-night. Do you think it would be safe for him to bring tickets back with him?

It looks like things get worse here. Henry Monroe and his boy were whipped last night or the night before.

A negro whipped at Masons Cross last night. I look for more whippings every night from now until election. I don't feel safe myself, but will die before I will be whipped. I don't think it safe for Cox to stay here at night. How would it do to send about half the tickets by express and let Cox bring the others, so if we lose one lot we will have others. No other news.

Your nephew,

W. H. COOPER.

EXHIBIT E.

HOFFMAN, N. C., *October 12, 1898.*

Mr. A. M. LONG, *Chairman, Rockingham, N. C.*

DEAR SIR: Please find inclosed list of names I registered on October 1 and October 8. I will furnish you the names as soon as I get through (the 22d) of all that I

will register in this township. The Democrats has stopped their mills and has gone to lecturing in this township. Mr. Alex., there is a move on foot by the gang to challenge large number of our voters. It will be best to have attorneys to help us out on trial day. That is the only hope now is to challenge and try to scare the negroes for the gang to do to beat us. We have plenty to do our work, and we must try to save them. I would like to know if this challenge business is in order in the other townships also by them. Let me hear from you, and oblige,

Your friend,

A. J. BUTLER.

EXHIBIT F.

OCTOBER 15, 1898.

Mr. A. M. LONG, *Rockingham, N. C.*

DEAR SIR: Registered to date at this, No. 1 precinct, 55 whites and 61 colored. They will vote some of our colored, I think. Things are warm here, but I understand they gave two colored men good whippings last night. Trus Graham and Neill McLeland were the victims. I will be up Tuesday evening and report in full. I may come Monday night.

Yours, etc.,

W. H. COX.

EXHIBIT G.

FONTCOL, N. C., *October 17, 1898.*

A. M. LONG, Esq.

DEAR SIR: I registered on Saturday, the 15th, the following:

WHITE.

- | | | |
|-------------------|-------------------------|---------------------|
| 1. Samuel Gilman. | 9. Ben Butler. | 17. Ben Barber. |
| 2. Alex Sparks. | 10. Jas. W. McIntosh. | 18. Wm. M. Smith. |
| 3. Andrew White. | 11. D. J. Dalton. | 19. Jas. Rice. |
| 4. J. W. Atkins. | 12. Willie Pul. | 20. John Lewis. |
| 5. Dorsey White. | 13. Frank Goodwin. | 21. Dave Williams. |
| 6. Dan'l Russell. | 14. John H. Threadgill. | 22. Archie Wilkes. |
| 7. G. W. McNeill. | 15. John T. Hunt. | 23. W. L. Burchett. |
| 8. Louis Walker. | 16. John Strong. | |

COLORED.

- | | | |
|--------------------|---------------------------|----------------------|
| 1. Wm. H. McNair. | 12. Jim Carmichael. | 23. John Campbell. |
| 2. Luthur Johnson. | 13. Dennis T. McLaughlin. | 24. Fred Andrews. |
| 3. George Jackson. | 14. Wesley Seagraves. | 25. Eliza Clark. |
| 4. Eliza Johnson. | 15. Robt. Buchanan. | 26. Chas. McLeod. |
| 5. John Jackson. | 16. John McNeill. | 27. Miles McKennon. |
| 6. Louis Townsend. | 17. Will Legrande. | 28. Wilson Williams. |
| 7. Jim McFarland. | 18. Thos. Williams. | 29. Peter McNeill. |
| 8. Wm. Graham. | 19. Wm. J. Molay. | 30. John Smith. |
| 9. Nathan Farmer. | 20. Wm. Bufr. | 31. Tom Short. |
| 10. Troy McNeill. | 21. Dunk A. Monroe. | 32. Wm. Hasty. |
| 11. Atlas Baldwin. | 22. Henry Stevenson. | |

Nearly all the white men will vote with the Democrats. I was talking with Archie Wilkes. He said, "They (the Red Shirts) had been to old man Abe and had him to promise to vote with them." It is awful the way they are doing. Loch McNeill and myself had a fuss at the registration place Saturday. I let my temper get away with me and had to cuss him out. I'll try and keep cool hereafter, but I just tell you it is "darned" hard to do so. Something ought to be done to protect our people. They have whipped one white man at Red Springs and two negroes in Laurinburg. All the negroes around here are scared, and I don't much blame them. Some of you come down and see us. If the negroes are allowed to vote at this precinct they will go solid.

Yours, truly,

J. L. COOLY.

EXHIBIT II.

FONTCOI, N. C., October 21, 1898.

A. M. LONG, Esq.

DEAR SIR: I have not heard a word from anyone in over a week. Send some one to me and tell me what to do. I am threatened every day; I can't hold out much longer unless I am protected in some way. Write to me and register your letter; tell what and how to do. My wife and children is scared to death nearly, and no white person around here will speak to me hardly. Is there no way to prevent it? Yours up to now, but how much longer I don't know.

JAS. L. COOLY.

G. E. FLOW, being duly sworn, deposes and says:

(It is agreed by counsel for contestant and contestee that same objection and protest be entered to the taking of this deposition that was entered to the taking of the deposition of W. I. Everett.)

Q. State your name, age, and place of residence.—A. G. E. Flow is my name; Monroe, Union County, N. C., is my residence; I am 32 years old.

Q. Have you been tendered as a witness in this case by the contestant heretofore; and if so, did you refuse to testify? And if you did refuse, give your reasons for so refusing.—A. I was tendered as a witness, and did refuse to testify; and my declination and reasons was stated at the time of my tender.

Q. Were you in the town of Monroe on Saturday before the election in 1898, the day that Senator Tillman spoke there?—A. I was.

Q. Were there Red Shirts there that day, and what was the general demeanor of the crowd of paraders and other citizens assembled there on that occasion?—A. There were Red Shirts, and the city government seemed to have been suspended, and they, the Red Shirts, in company with the frenzied thousands, took the town as though it had been captured by savage Indians.

Q. Did you hear any portion of Tillman's speech on that occasion; if so, did he refer to or advise the use of Winchester rifles?—A. I heard the major part of Senator Tillman's speech on Saturday preceding the election. I heard him say to the frenzied multitude, half of whom I believe to have been the people of his own State, that the Winchester rifle was better medicine for the negro than the ballot box; that over in South Carolina we have taught them that it is better for them to be sewing wheat and picking cotton than to be at election precincts on election days.

Q. Was or was not a large portion of the Red Shirts and paraders, present at Tillman's speaking, from the State of South Carolina?—A. I believe that a fair part of both the paraders and Red Shirts hailed from his State, it being from 12 to 30 miles, in my opinion, from Monroe to the counties of Chesterfield, Lancaster, and Chester, in South Carolina.

Q. Did you at any time during the campaign of 1898 hear prominent Democrats in the town of Monroe, or at other places in the Sixth district of North Carolina, declare their purpose and intention to carry the election in 1898, whatever might be the consequence?—A. I did, avowing at the same time that, if President McKinley attempted to interfere with their programme by sending troops, that they would butcher them like rabbits. I also heard little boys talk of the idea of secession, and men say, this being during the Spanish-American war, they had more respect for the Spanish butcherer Weyler than they had for General Miles, a lieutenant-commander of the American forces.

Q. What was the condition prevailing among the colored people of the town of Monroe and community for some days prior to the election of 1898?—A. When a colored man was passing along the streets knots of Democrats would make it convenient to remark that "We are going to have this election; if not with votes, then by the shotgun." Shortly before the close of the campaign I could scarcely induce a negro voter to talk to me, so great was the terror bred by these and similar utterances.

Q. Do you not know, and is it not a fact, and, if not of your own knowledge, have you not such information that convinces you that it is a fact, that the intimidation of various kinds practiced by the Democrats against the Republican and Populist voters in the town of Monroe and in the county of Union during the campaign of 1898, and especially that practiced just prior to the election, prevented numbers of Republican and Populist voters from going to the election and voting as they desired to do?

(Contestee objects to so much of the question which asks for the information or opinion of the witness, and further objects to his answering any part of the same except that which is in his own knowledge.)

A. I believe that by reason of the character of Democratic stump speeches and the utterance of the Democratic press that a very considerable number of both Populists and Republican electors declined to register, and many of those who did register were afraid to express their political opinion at the polls by voting.

Q. What was the general appearance of things in the town of Monroe on the day of the last election?

(Question objected, because it is irrelevant and too general, vague, and indefinite.)

A. The stores were closed and a very considerable contingent of its population had gone to the near-by polling places in that township, and those who remained were acting as if though they were fixing for a riot or an insurrection.

Cross-examination:

Q. Do you still retain your residence in Monroe, N. C.?—A. I do; but in the capacity of fertilizer inspector I have for sometime made Rockingham, N. C., my headquarters, it being something like the center of the territory assigned me by the North Carolina commissioner of agriculture, to-wit, the Sixth Congressional district.

Q. Do you, after you are through inspecting fertilizer, expect to return to Monroe, N. C.?—A. This I can not tell, for I may become so enamored of some part or parts of my territory that I may decide to locate permanently.

Q. What is your present purpose in regard to returning?—A. This I can not tell, because I do not know what opportunities may present themselves to me within the course of my time—term of fertilizer inspector.

Q. You mean by these answers that you have no fixed place of residence?—A. Being a young man and unmarried, I perhaps am unable to answer this question satisfactory to myself or to the counsel for contestee.

Q. When, where, and to whom were you tendered as a witness by contestant in this case when you refused to testify, and at that time gave your reasons for so refusing?—A. I was tendered as a witness for contestant in the town of Monroe, N. C., in February, as I now remember, before J. W. Steen, notary public, and then and there I refused to testify, for reasons then stated.

Q. What were those reasons?—A. Because it had been communicated to me a few days prior to the election of 1898 that if I persisted in my partisan course that myself, J. W. Steen, and J. S. Hasty would be lynched before the closing of the polls.

Q. From whom did you receive this communication?—A. I received it from J. W. Steen, one of the threatened parties.

Q. Has not J. W. Steen been engaged as notary in taking testimony in this contest for contestant in Union and other counties in the Sixth district?—A. Yes, sir; he has; but a few days before the close of the campaign he said to me, being as he was one of the judges of election at the Court-House precinct, in the town of Monroe, that he did not think that he would serve in such capacity.

(So much of the foregoing answer as is not responsive to the question objected to.)

Q. Who were the prominent Democrats in the town of Monroe that you heard declare their purpose and intention to carry the election in 1898, whatever might be the consequence?—A. I was in the city of Charlotte a few weeks prior to the election, and I was holding in my hand a copy of the Charlotte Observer, in which Mr. J. P. Caldwell, its editor, advised the killing of the white-faced scoundrels first. This was along about the time that Governor Russell had issued a proclamation which referred to the conditions which obtained, as he alleged, in the Sixth Congressional district, or certain parts thereof, and while talking of this, one W. C. Heath, a prominent Democrat, who chanced to be in the city, and a resident in the town of Monroe, said to me that if the President dared send troops that we will kill or butcher them like rabbits. I have also heard another man, one Mr. R. A. Morrow, a delegate to the convention at Wilmington which nominated the Hon. J. D. Bellamy for Congress from the Sixth Congressional district of North Carolina—he remarked to me several times during the campaign that we are going to have this election.

Q. Where were you on day of election?—A. In the town of Monroe, but felt an apprehension for my personal safety, so much so that I declined to serve as judge of the election, to which position I had been appointed.

Q. Did you vote; if so, who for Congress?—A. I did; for Oliver H. Dockery.

Q. Give me the names of the persons within your own knowledge who were prevented from voting for Oliver H. Dockery?—A. I have no knowledge of anyone who was prevented by force, but do believe that by reason of the threatening attitude of Democrats about the polls that a number of colored Republicans failed to exercise the right of franchise.

(So much of the answer as is on belief and not responsive to the question is objected to.)

Q. Give me the names of the colored voters in Monroe Township within your own knowledge who failed to exercise the right of franchise.—A. Their names I can not give, but am informed by my brother, who was the judge of the election in my stead in the Court-House precinct, that half or more than half of the colored voters did not present themselves at the polls.

(So much of the answer as states what his brother told him and is not responsive to the question objected to.)

Q. Has your brother been examined as a witness in this contest?—A. He has not.

Q. Do you know, of your own knowledge, a single voter in Monroe Township who

was prevented by intimidation from casting his vote?—A. There are four precincts in Monroe Township, and the precinct at which I vote, known as the Court-House precinct, not more than fifty colored voters vote at said precinct; but was informed, as stated above, by my brother, who was judge at said precinct, that not more than half of the colored voters who were registered voted.

(So much of the answer as is not responsive to the question and is what was told the witness is objected to.)

Q. Will you give me an answer, "Yes," or "No," to the question, Do you know, of your own knowledge, a single voter in Monroe Township who was prevented by intimidation from casting his vote?—A. No; I do not know within my own personal knowledge.

Q. Who was mayor of the town of Monroe when Tillman spoke there?—A. James G. Covington.

Q. What is his character?—A. Good.

Q. Is he a candidate now for mayor of the town?—A. He is.

Q. Did I not understand you this morning to say that if you were there at the election of mayor you would probably vote for him?—A. There are many bad Democrats, parties, and malignant spirits in the town of Monroe, and it may be possible that some one of that number may become, as we oft have had in recent years, a candidate on an independent Democratic ticket; believing Mr. James G. Covington to be the best of any Democrat who may offer himself as a candidate for mayor, that I might vote for him.

Q. How long has Mr. Covington served as mayor in Monroe?—A. Two years.

Q. Has his administration been satisfactory?—A. As to that there is a difference of opinion, as shown at the recent town primaries.

GEO. E. FLOW.

Sworn to and subscribed this 21st day of April, A. D. 1899, before the undersigned notaries public.

[SEAL.]

W. M. KELLY, *Notary Public*.

[SEAL.]

WALTER L. PARSONS, *Notary Public*.

NOTE BY THE CLERK.

All objections made at time of taking of testimony as to time, taking testimony outside of district, and sufficiency of notice, etc., after expiration of forty days, and all other objections, were renewed before the Clerk at time testimony was opened, and referred by him to Committee on Elections; also competency of testimony.

A. McDOWELL,

Clerk of the House of Representatives.

CONTENTS.

	Page.
NOTICE OF CONTEST.....	3-4
ANSWER TO NOTICE OF CONTEST.....	5-6
TESTIMONY FOR CONTESTANT.....	7-172
Notices to take depositions.....	7, 22, 26, 37, 51, 79, 93, 97, 98
Objections by counsel for contestee.....	12,
15, 25, 26, 36, 49, 73, 75, 84, 86, 92, 96, 152, 153, 169	
Objections by counsel for contestant.....	11, 48, 67, 136, 154
Exhibit A.—Protest by counsel for contestee against the taking of certain depositions.....	13
Exhibit B.—Protest of Oliver H. Dockery against the method of taking depositions.....	22
Exhibit C.—Answer of John D. Bellamy to the protest of Oliver H. Dockery.....	22
Exhibit Q.—Summons for J. W. Steen to appear as a witness.....	27
Exhibit A.—“Kind admonition”.....	41
Exhibit.—Votes cast for Congressmen in Robeson County in 1896 and 1898.....	68-70
Exhibit.—Protest of John D. Bellamy, filed before J. D. Jowers, notary public, March 3, 1899.....	80
Exhibit.—Official vote of Richmond County for Congress cast at the elections held 1896 and 1898, and filed with the deposition of Henry D. Gibson, register of deeds of Richmond County.....	124
Exhibit A.—Filed with the deposition of S. M. Pankey.....	129
TESTIMONY FOR CONTESTEE.....	173-294
Notices to take depositions.....	173, 196, 230, 236, 242, 270
Agreement.....	259
Objections by counsel for contestant.....	209, 217, 245, 259
Objections by counsel for contestee.....	186, 216, 221, 222, 251, 260
Exhibit.—Constitution of the White Government Union, filed with the deposition of W. B. Hooker.....	191-192
Exhibit A.—Constitution and by-laws of the White Government Union, 1898, filed with deposition of D. J. Fergus.....	203-206
Exhibit A.—Registration of vote and votes cast at the election held in New Hanover County November 8, 1898.....	226
Exhibit B.—Tabulated statement of votes cast in the Sixth Congressional district of North Carolina for Representative in Congress, 1888, 1890, 1892, 1894, 1896, 1898.....	229
TESTIMONY FOR CONTESTANT IN REBUTTAL.....	295-488
Notices to take depositions.....	295, 319, 395, 411, 433, 446
Agreements.....	467, 470, 486
Objections by counsel for contestee.....	320, 326, 329,
335, 337, 343, 344, 347, 350, 399, 419, 428, 433, 445, 448, 452, 453, 455, 468, 481	
Objections by counsel for contestant.....	345, 375, 426, 433, 445, 453, 458, 481
Exhibit A.—Notices to take depositions.....	319
Exhibit M.—Subpena for the appearance of Counsel Mears, John Edmonds, W. A. J. Soles, Haynes Kelliham, Cain Brown, and H. B. Register.....	319
Exhibit A.—Protest of counsel for contestee against the taking of depositions.....	332
Exhibit B.—Notice to take depositions.....	332
Exhibit H.—Official statement of the number of votes cast in Brunswick County, N. C., for Congressman in 1896 and 1898.....	348
Exhibit I.—Statement of the registered colored voters of Brunswick County, N. C., for 1896 and 1898, by precincts.....	348
Exhibit J.—Official statement of the registration of white voters in Brunswick County, N. C., for 1898, by precincts.....	348
Exhibit A.—Filed with deposition of Z. F. Long.....	451
Exhibits A, B, C, D, E, F, G, and H.—Filed with deposition of A. M. Long.....	483

INDEX.

WITNESSES FOR CONTESTANT.

	Page.		Page.
Ashworth, C. E	129, 130, 131	Love, Owen F	11, 12
Austin, T. A	95	Matheson, J. L	44, 45, 46, 47, 48, 49, 50
Barbor, W. A	80, 81, 82, 83	Maynard, Dr. A. A	43, 44
Batemon, S. Z	53, 54, 55, 56	McCormack, E. L	62, 63, 64, 65, 66
Baucum, G. W	38, 39	McGregor, B. F	158, 159
Boggan, John	39	McGregor, J. A	157
Buic, J. N	68, 69, 70, 71	McKinnon, A. J	84,
Butler, A. J	127	85, 86, 87, 88, 89, 90, 91, 92, 93	
Cameron, Jno. P	131,	McKinnon, N. J	53
132, 133, 134, 135, 136		McLean, Jas. P	169, 170, 171, 172
Campbell, Easter	142, 143	McLellan, Neill	149, 150, 151, 152
Canter, S. B	137, 138	McLeod, M	75, 76, 77, 78
Cole, S. M	152, 153, 154, 155, 156, 157	Moore, J. F	106, 107
Conner, Thomas	94, 95	Mullican, C. B	114, 115, 116
Cooley, J. L	164	Murchison, J. W	13, 14, 15, 16
Cooper, W. H.	159, 160, 161, 162	Nicholson, A. G	126, 127
Covington, H. H	101, 102	Nivens, P. J	39, 40, 41
Covington, Turner	99, 100, 101	Norwood, Jno. G	20, 21
Dockery, Claudius	116, 117, 118, 119, 120	Pankey, S. M	128, 129
Dudley, Agga	147, 148, 149	Parish, J. C	57, 58, 59, 60, 61, 62
Edmun, S. A	71, 72, 73, 74, 75	Pence, R. J	111, 112, 113, 114
Evans, Rendle	66, 67, 68	Pipkins, Calvin	166, 167, 168, 169
Fincher, L. L	32, 33	Pratt, J. W	42, 43
Flow, Geo. E	26, 27	Ratliff, Anthony	127, 128
Foard, Chas. D	9, 10, 11	Reinhardt, R. P	44
Franklin, Jno. D	19, 20	Secrest, J. D. A	34, 35, 36
Gibson, Henry D	124, 125, 126	Secrest, S. M	29, 30, 31, 32
Gibson, Nathan	162, 163, 164	Shaw, Jourdan	56, 57
Goode, J. M	93, 94	Shaw, Rosa	145, 146
Graham, Jesse	164, 165, 166	Smart, A. L	95, 96
Graham, T. A	138, 139, 140, 141	Smith, John M	127
Hammond, K. R	37, 38	Sossaman, Robert W	96
Hasty, J. C	27, 28	Springer, Wm. E	16, 17, 18, 19
Hasty, John S	33, 34	Steen, J. W	23, 24, 25
Hasty, John W	28, 29	Stogner, L. H	109, 110, 111
Jacobi, Jos	8, 9	Stogner, R. L	102, 103, 104
Kelly, B. A	104, 105, 106	Stubbs, Jack	143, 144, 145
Long, A. M	107, 108	Wall, Edmund	141, 142
Long, Z. F	120, 121, 122, 123, 124	Williams, John	146, 147

WITNESSES FOR CONTESTEE.

Atkinson, Col. John W	261,	Buic, Joe N	240, 241, 242
265, 266, 267, 268, 269, 270		Chears, V. T	287, 288, 289
Austin, M. C	283	Cox, J. J	277, 278
Bellamy, John D	243,	Craig, C. F	208, 209
244, 245, 246, 247, 248, 249, 250, 251,		Fergus, John	202, 203
252, 253, 254, 255, 256, 257, 258, 259		Gough, Frank	236, 237
Biddle, John A	199	Graham, Jim	181, 185, 186, 187
Bland, George T	213, 214, 215	Hall, George H	235
Blossom, Samuel	197, 198	Heath, W. C	271, 272, 273, 274, 275
Bordeaux, R. W	200, 201	Helms, Winnmore	279, 280
Bremer, Matt	262, 263, 264	Henderson, Frank	188, 189, 190

	Page.
Hewett, Henry L	219, 220
Hooker, W. B.	190.
	191, 192, 193, 194, 195, 196
Howe, Robert H	280, 281
Huntley, Charles	276, 277
Keen, Charles H	206, 207
Love, James	230, 231
Love, Junius G	201, 202
McGirt, Lawrence	180, 181, 182
McGowan, J. M.	220, 221, 222, 223, 224
McNair, A. J.	173, 174, 175, 176, 177
McNeil, Henry	177, 178, 179
McPhaul, John A	233, 234
McQueen, R. M	234, 235
McWorter, Henry	286, 287
Millis, George W	215, 216, 217
Norment, T. A., sr	238
Parker, J. D	291, 292, 293, 294
Pureell, Jake	239, 240

	Page.
Ray, Calvin S	231, 232, 233
Ray, Peter	233
Richardson, B. F	278, 279
Simpson, C. N	289, 290, 291
Smith, Neil	187, 188
Smith, T. Jeff	218, 219
Stevens, R. L	283, 284, 285, 286
Taylor, John D	226, 227, 228
Tomberlin, James M	282
Townsend, C. D	238, 239
Turrentine, John R	209, 210, 211, 212
Warren, E. C	260, 261
Webb, J. T	182, 183, 184
Webster, J. D	228, 229
West, I.	225, 226
Westbrook, Giles W	198, 199
Wilks, W. C	179, 180
Wright, Wm. A	217, 218

WITNESSES FOR CONTESTANT IN REBUTTAL.

Adams, Robert	307, 308, 309
Alexander, W. W	400, 401
Baldwin, Daniel	463, 464
Bateman, John	305
Bates, George	337, 338, 339, 340, 341
Belk, Walter	427, 428, 429, 430
Benton, Joe	336, 337
Blakeney, Dave	421, 422, 423
Bowden, Thos	459, 460, 461, 462, 463
Bryant, L. H	394, 395
Bullard, A. T	320, 321, 322
Bullard, W. W	433, 434, 435, 436
Caldwell, S. J	406, 407
Campbell, John A	306, 307
Clanton, W. S	404
Correll, J. F	409
Cox, W. H	436, 437, 438
Currie, A. H	439, 440
Currie, W. J	302, 303, 304
Davis, D. S	414, 415
Dockery, Hon. Oliver H	470, 471,
	472, 473, 474, 475, 476,
	477, 478, 479, 480, 481
Edmunds, John	329, 330
Ellerbe, Titus	447, 448, 449, 450, 451
Everett, W. C	481
Fincher, L. L	423, 424
Flow, G. E	486, 487, 488
Flow, G. W	412, 413, 414
Fulton, Abram	334, 335, 336
Goode, J. M	403, 404
Graham, John M	444, 445
Hailey, William M	467
Hargrave, Hamilton	349, 350
Harris, W. J	387,
	388, 389, 390, 391, 392, 393, 394
Hasty, J. S	417, 418, 419
Hudson, C. J	415, 416, 417
Hunter, W. R	431, 432
Junker, G. C. L	401
Keith, T. S	404, 405
Kelley, S. E	464
Lamb, Albert	332, 333, 334
Lee, Charlie	457, 458
Lockamy, A.	341, 342, 343
Locklier, Nelson	313, 314
Long, A. M	481, 482, 483, 484, 485, 486

Long, Z. F	454
Manship, Eli W	452, 453, 454
McBryde, D. E	309, 310, 311
McCarmac, James	315, 316, 317
McCorkhill, John C	295, 296, 297, 298
McDonald, W. A	468, 469
McLaughlin, J. W	469, 470
McLean, J. L	298
McMullan, William	407
McNair, Jourdan	314, 315
McRae, Neill	317, 318
Meacham, J. W	405, 406
Melton, J. R	360, 361, 362, 363,
	364, 365, 366, 367, 368, 369, 370, 371,
	372, 373, 374, 375, 376, 377, 378, 379,
	380, 381, 382, 383, 384, 385, 386, 387
Monroe, Henry	443, 444
Morgan, George W	470
Morton, W. S	407, 408
Moser, C. R	419, 420, 421
Neal, Marshall	402, 403
Owen, D. M	465, 466
Patterson, D. A	440, 441, 442
Patterson, James P	311, 312, 313
Potts, N. M	401, 402
Queleh, Jack	346, 347
Quick, James	467, 468
Rogers, R. W. A	430, 431
Rush, Henry	458, 459
Russell, J. A	409, 410, 411
Russell, R. B	350, 351,
	352, 353, 354, 355, 356, 357, 358, 359, 360
Secrest, S. M	424, 425, 426, 427
Sellers, W. H	323, 324, 325, 326
Smith, Alex	445
Smith, D. H	436
Smith, James P	298, 299, 300, 301, 302
Stewart, J. C	399, 400
Strauss	332
Trogdon, W. B	398
Ussery, J. W	455, 456, 457
Walker, John	305, 306
Walker, W. G	327, 328
White, Charles H	343, 344, 345, 346
Whitley, Kinchen	326, 327
Wooten, W. D	322, 323

OFFICERS BEFORE WHOM DEPOSITIONS WERE TAKEN.

	Page.		Page.
Bell, James A.	94-96	Marshall, Wm. L.	37-51
Best, E. J.	350-395	Parsons, Walter L.	447-451,
Flow, M. L.	275-294		455-459, 463-488
Fowler, John J.	198-270, 321-350	Pierce, Frank A.	398
Howell, Geo. H.	9-222	Skipper, C. B.	298-319
Hunter, C. L.	94-96	Steen, J. W.	26-51, 275-294, 395-432
Johu, Maxcy L.	99, 137-172	Terrell, J. Massey.	23-26
Jowers, A. D.	52-93, 177-196, 298-319	Toon, Albert C.	319-330
Kelly, W. M.	97-172, 433-488	Wallace, T. E.	7-22, 198-270, 331-350
McLean, A. D.	53-79, 173-196		